

# Exhibit G - Tran Deposition

Officer Michael Tran ~ December 18, 2018  
\* \* \* Videotaped Deposition \* \* \*

Page 157

1 CERTIFICATE OF REPORTER

2 I, the undersigned, a Certified Shorthand  
3 Reporter of the State of Nevada, do hereby certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were duly sworn; that a record  
8 of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; that the foregoing transcript is a true  
11 record of the testimony given to the best of my  
12 ability.

13 Further, that before completion of the  
14 proceedings, review of the transcript [ X ] was  
15 [ ] was not requested pursuant to NRCP 30(e).

16 I further certify I am neither financially  
17 interested in the action, nor a relative or employee  
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21

22 Dated: December 27, 2018

23

24

25

  
\_\_\_\_\_  
GALE SALERNO, RMR, CCR No. 542

Officer Michael Tran ~ December 18, 2018  
\* \* \* Videotaped Deposition \* \* \*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

**CONDENSED  
TRANSCRIPT**

1 TRINITA FARMER, individually, )  
2 Plaintiff, )  
3 vs. ) Case No.  
4 LAS VEGAS METROPOLITAN POLICE ) 2:18-cv-00860-GMN-VCF  
5 DEPARTMENT, a political )  
6 subdivision of the State of )  
7 Nevada; KENNETH LOPERA, )  
8 individually; TRAVIS CRUMRINE, )  
9 individually; MICHAEL TRAN, )  
10 individually; MICHAEL FLORES, )  
11 individually, )  
12 Defendants. )  
13 )  
14 \_\_\_\_\_ )  
15 )  
16 )  
17 )  
18 VIDEOTAPED DEPOSITION OF OFFICER MICHAEL TRAN  
19 Taken on Tuesday, December 18, 2018  
20 At 10:07 a.m.  
21 Held at Lagomarsino Law  
22 3005 West Horizon Ridge Parkway, Suite 241  
23 Henderson, Nevada 89052  
24  
25 Reported By: Gale Salerno, RMR, CCR No. 542

# **CONDENSED TRANSCRIPT**

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

2 (Pages 2 to 5)

<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES:      2 For the Plaintiff, Trinita Farmer:      3 ANDRE M. LAGOMARSINO, ESQ.      Lagomarsino Law      4 3005 West Horizon Ridge Parkway, Suite 241      Henderson, Nevada 89052      5 (702) 383-2864      aml@lagomarsinolaw.com</p> <p>6      7 For the Defendant, Kenneth Lopera:      8 DANIEL R. MCNUTT, ESQ.      McNutt Law Firm, P.C.      9 625 South 8th Street      Las Vegas, Nevada 89101      10 (702) 384-1170      dm@mcnuttlawfirm.com</p> <p>11      12 For the Defendants, LVMPD, Crumrine, Tran and Flores:      CRAIG R. ANDERSON, ESQ.      Marquis Aubach Coffing      14 10001 Park Run Drive      Las Vegas, Nevada 89145      15 (702) 942-2136      canderson@maclaw.com</p> <p>16      17 Also Present:      18 MR. SHANE GODFREY, Legal Videographer      19 MS. DENISE VALDIVIA, Paralegal      20 MS. TRINITA FARMER      21 MS. MARGIE DAY      22 MS. STEPHANIE MOORE, Paralegal,      (Present Telephonically)</p> <p>23      24      25</p>	<p style="text-align: center;">Page 4</p> <p>1 EXHIBITS      2 Tran Marked      3 Exhibit 1 Videotaped Deposition of Officer Michael Tran, December 25      4 20, 2017      5 Exhibit 2 Voluntary Statement, Bates LVMPD 1587 to 1593      6      7 Exhibit 3 Five Color Photographs 60      8 Exhibit 4 Las Vegas Metropolitan Police 66      Department Employee Statement, Bates LVMPD 1937 to 2006      9      10 Exhibit 5 Autopsy Report, Bates P000052 86      11 Exhibit 6 Force Investigation Team Report 87      In-Custody Death      12 Exhibit 7 Las Vegas Review-Journal 89      Article, September 21, 2014      13      14 Exhibit 8 CPR Article 96      15 Exhibit 9 Test Questions, Bates LVMPD 103      0890 to 0891      16 Exhibit 10 Color Photographs 104      17 Exhibit 11 Two Pages of Color Photographs 112      18 Exhibit 12 DVD 124      19 Exhibit 13 DVD 127      20 Exhibit 14 DVD 127      21 Exhibit 15 (NOT MARKED)      22 Exhibit 16 DVD 128      23 Exhibit 17 (NOT MARKED)      24 Exhibit 18 (NOT MARKED)      25 Exhibit 19 Diagram 25</p>
<p style="text-align: center;">Page 3</p> <p>1 INDEX      2                   Page      3 Examination by Mr. Lagomarsino 6      4 Examination by Mr. Anderson 131      5 Further Examination by Mr. Lagomarsino 135      6 Examination by Mr. McNutt 137      7 Further Examination by Mr. Lagomarsino 149      8 Further Examination by Mr. McNutt 154      9 Further Examination by Mr. Anderson 154</p> <p>10      11      12      13      14      15      16      17      18      19      20      21      22      23      24      25</p>	<p style="text-align: center;">Page 5</p> <p>1 VIDEOTAPED DEPOSITION OF OFFICER MICHAEL TRAN      2 December 18, 2018      3 - - -      4 THE VIDEOGRAPHER: Good morning. Today      5 is Tuesday, December 18th, 2018. The time is      6 approximately 10:07 a.m.      7 This begins the video deposition of      8 Michael Tran. We are located at Lagomarsino Law,      9 3005 Horizon Ridge Parkway, Suite 241, Henderson,      10 Nevada, 89052.      11 My name is Shane Godfrey, court      12 videographer with Las Vegas Legal Video.      13 This is United States District      14 Court, District of Nevada, case number      15 2:18-CV-00860-GMN-VCF, in the matter of      16 Trinita Farmer, individually, Plaintiff, versus      17 Las Vegas Metropolitan Police Department, et al.,      18 Defendants.      19 This deposition is noticed by the attorneys      20 for Plaintiff, Trinita Farmer.      21 Will counsel and all present please state      22 your appearances for the record.      23 MR. LAGOMARSINO: We've got Andre      24 Lagomarsino, attorney for the Plaintiffs. Present      25 also on the phone is Stephanie Moore, paralegal.</p>

Officer Michael Tran ~ December 18, 2018  
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3 (Pages 6 to 9)

<p>1               Also in person Denise Valdivia, 2               Trinita Farmer, and Margie Day. 3               MR. MCNUTT: Dan McNutt, on behalf of 4               Ken Lopera. 5               MR. ANDERSON: Craig Anderson, on behalf 6               of the Las Vegas Metropolitan Police Department, 7               Officer Michael Tran, Officer Travis Crumrine, and 8               Officer Flores. 9               THE VIDEOGRAPHER: The witness may now be 10          sworn in by Gale Salerno with All-American Court 11          Reporters.</p> <p>13              OFFICER MICHAEL TRAN, 14              having been first duly sworn, was 15              examined and testified as follows:</p> <p>18              EXAMINATION 19          BY MR. LAGOMARSINO: 20          Q. Can you please state your full name and 21          spell your last name for the record. 22          A. Michael Tran. Last name T-r-a-n. 23          Q. And are you a police officer? 24          A. Yes. 25          Q. What is your P number?</p>	<p>1               Any changes of an important nature could cause the 2               attorneys to comment on your credibility at the time 3               of trial. 4               Do you understand that? 5          A. Yes. 6          Q. If at any time you need a break, please let 7               us know. Okay? 8          A. Yes. 9          Q. The attorneys here from time to time will 10          likely be making objections. They're not doing that 11          to be obstructive. There's not a judge here to rule 12          on them. If you allow them to -- strike that. 13          Please allow them to finish their 14          objections, and then if you understand the question, 15          please answer it. Okay? 16          A. Yes. 17          Q. In everyday conversation nods of the head 18          are perfectly acceptable. "Uh-huhs" and "nuh-uhs" 19          are perfectly understandable. However, it's 20          difficult to understand those on the transcript. 21          So from time to time I may say is that a 22          yes, is that a no? I'm not trying to be rude. I'm 23          just trying to make a clear record. 24          Do you understand that? 25          A. Yes.</p>
<p>1               A. 15221. 2               Q. Do you understand that today you're sworn 3               to tell the truth? 4          A. Yes. 5          Q. That although we are in an informal 6               conference room setting, it's the same oath that you 7               would take in a court of law? 8          A. Yes. 9          Q. That any material misrepresentation could 10          subject you to the pains and penalties of perjury. 11          Do you understand that? 12          A. Yes. 13          Q. It's not to suggest that you will commit 14          perjury, only to inform you of the consequences 15          thereof. 16          Everything is being taken down by a court 17          reporter today. Although we have a videographer 18          here, the official record is the court reporter's 19          transcript. 20          I would ask that you allow me to finish my 21          question, and I will allow you to finish your answer 22          so that we have a clear record. Do you understand? 23          A. Yes. 24          Q. At the end of this deposition, you'll have 25          an opportunity to make changes to your deposition.</p>	<p>1               Page 7 2               Q. We're going to be going for several hours 3               today. From time to time I may mumble a question or 4               bumble it or I may speak too low. If you don't 5               understand, please tell me and I'll be happy to 6               rephrase. Okay? 7          A. Yes. 8          Q. What did you do to prepare for today's 9               deposition? 10          A. I reviewed my statements from FIT and CIRT, 11          and previous deposition. 12          Q. Your previous deposition? 13          A. Correct. 14          Q. Have you reviewed anybody else's FIT or 15          CIRT statements? 16          A. Anybody else as in other officers? No. 17          Q. Have you reviewed any body cam footage? 18          A. Not recently. 19          Q. Have you ever reviewed any body cam 20          footage? 21          A. Yes. 22          Q. Which body cam footage did you review? 23          A. Lopera's. And then the Venetian security. 24          Q. Have you reviewed any body cam footage from 25          any of the other officers? 25          A. No.</p>

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4 (Pages 10 to 13)

<p style="text-align: center;">Page 10</p> <p>1       Q. Did you meet with anybody to prepare for      2       your deposition?      3       A. Just Craig.      4       Q. And when did you meet with him?      5       A. It was a phone meeting Thursday or Friday,      6       something like that.      7       Q. And without telling me what was said, how      8       long was that meeting?      9       A. 20 minutes, 30 minutes.      10      Q. Have you ever met with Mr. Dan McNutt, this      11      attorney right here?      12      A. No.      13      Q. Have you ever -- when was the last time you      14      spoke with Kenneth Lopera?      15      A. The night of the incident. I haven't seen      16      him since.      17      Q. Have you reviewed the CIRT report in this      18      case?      19      A. My CIRT report?      20      Q. Yes.      21      A. Yes.      22      MR. MCNUTT: Objection. Form.      23      MR. ANDERSON: I think it's a      24      misunderstanding.      25</p>	<p style="text-align: center;">Page 12</p> <p>1       Q. Clark? And when did you graduate?      2       A. 2002.      3       Q. Did you attend college after Clark?      4       A. Yes.      5       Q. Where did you attend college?      6       A. UNLV.      7       Q. What years did you attend UNLV?      8       A. 2002 to 2007.      9       Q. And did you graduate?      10      A. Yes.      11      Q. What was your degree in?      12      A. Kinesiology.      13      Q. What is kinesiology?      14      A. The study of exercise science, human      15      movement.      16      Q. What was your first job after college?      17      A. It was a personal trainer.      18      Q. Were you independent, or did you work for a      19      company?      20      A. I worked for a business, yes.      21      Q. Who did you work for?      22      A. Philippi, Mark Philippi Sports Institute.      23      Q. And how many years did you work with      24      Mark Philippi?      25      A. Seven.</p>
<p style="text-align: center;">Page 11</p> <p>1       BY MR. LAGOMARSINO:      2       Q. When you say your CIRT report, when did you      3       receive that CIRT report?      4       A. My CIRT statement?      5       Q. Okay. I understand you gave a statement to      6       CIRT, correct?      7       A. Correct.      8       Q. Do you know that CIRT issued a report?      9       A. No.      10      Q. Were you brought before the Use of Force      11      Board?      12      A. The CIRT Review Board, yes.      13      Q. And when you were brought before the CIRT      14      Review Board, were you given a report issued by CIRT?      15      A. Not to my knowledge, no.      16      Q. What documents were you given when you went      17      to the CIRT Review Board?      18      A. I don't believe I got any documents from      19      them.      20      Q. I want to go briefly through your      21      educational background.      22          Where did you go to high school?      23          A. When or where?      24          Q. Where.      25          A. Las Vegas, Clark.</p>	<p style="text-align: center;">Page 13</p> <p>1       Q. What was your next position after working      2       with Mark Philippi?      3       A. I went over to Lifetime Fitness as a      4       personal trainer still.      5       Q. And how long were you at Lifetime Fitness?      6       A. A year; six months to a year.      7       Q. After Lifetime, where did you go?      8       A. Metro.      9       Q. Was that the first time you had applied to      10      work at Metro?      11      A. I think it was my second time.      12      Q. When did you first apply?      13      A. 2012.      14      Q. And why didn't you go into Metro at that      15      time?      16      A. I didn't pass the written the first time.      17      Q. What's required to be selected to take --      18      to join Metro and go to the Academy?      19      A. A written exam, physical, background check,      20      polygraph, psych test.      21      Q. Were there, like, any boards?      22      A. Oral board.      23      Q. So we've got the written exam, the      24      physical, the polygraph, the psych evaluation or test      25      and oral board. Anything else?</p>

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5 (Pages 14 to 17)

<p style="text-align: center;">Page 14</p> <p>1        A. Did I say the physical?      2        Q. Yes.      3        A. That's all I can remember for now.      4        Q. In terms of the – do you know how close      5        you were to passing in 2012, or did they just tell      6        you pass or fail?      7        A. I think I was a couple of points away.      8        Q. And did you pass all the other areas, to      9        your knowledge, in 2012?      10      A. No. Because I didn't pass the written and      11     I didn't move to the next step.      12      Q. The written was the first step?      13      A. First step.      14      Q. Okay. When did you next apply with Metro?      15      A. Somewhere around 2013 or 2014.      16      Q. And you passed the written at that point?      17      A. Correct.      18      Q. What was done for you in terms of the      19     psychological evaluation, do you recall?      20      A. There was a psych test or multiple choice      21     questionnaire, and you met with the psychologist and      22     he just went over it.      23      Q. Do you recall how long the multiple choice      24     questionnaire was?      25      A. It was pretty lengthy, but I don't know.</p>	<p style="text-align: center;">Page 16</p> <p>1        commission patrol date?      2        Q. Thank you for clarifying. First let's      3        start with the Academy.      4        A. It was April 16th, 2015.      5        Q. Okay. And when was your service date --      6        commission date? Sorry.      7        A. October 22nd, 2015.      8        Q. What command are you presently stationed      9        with?      10      A. Convention Center Area Command.      11      Q. How long have you been there?      12      A. Two years.      13      Q. Prior to Convention Center Area Command,      14     where were you?      15      A. I was in field training, but I was      16     stationed at Northwest Area Command.      17      Q. When did you stop field training?      18      A. February 2016.      19      Q. You understand the incident that we're here      20     for today involves Tashi Farmer?      21      A. Yes.      22      Q. Sometimes you may hear me to refer to      23     Tashi Farmer, Tashi Brown.      24      Do you know what the date of the incident      25     was with Tashi?</p>
<p style="text-align: center;">Page 15</p> <p>1        Q. Were you ever provided with any written      2        records pertaining to your psych test?      3        A. No.      4        Q. Do you believe they're in your file at      5        Metro?      6        A. I assume so. I don't know.      7        Q. What's your current classification?      8        A. Police officer.      9        Q. Is it PO II?      10      A. PO II, correct.      11      Q. How long have you been a PO II?      12      A. At least two years.      13      Q. What are your duties as a PO II?      14      A. Respond to calls for service. Proactive      15     stops. Daily duties of a police officer. I don't      16     know.      17      Q. Did your duties change when you went from      18     PO I to PO II?      19      A. No.      20      Q. Is it basically just a difference in pay?      21      A. Correct. I'm off probation from PO I to      22     PO II.      23      Q. When was your first date of service with      24     Metro?      25      A. You're referring to the Academy date or</p>	<p style="text-align: center;">Page 17</p> <p>1        A. I don't.      2        Q. Does May 14th, 2017 sound about right?      3        A. Yes.      4        Q. Mother's Day?      5        A. Yes.      6        Q. What time did you start working that night?      7        A. On that night I would have started at 2000      8        hours.      9        Q. 8:00 o'clock?      10      A. Correct.      11      Q. And at the time, again, you were with the      12     Convention Center Area Command?      13      A. Correct.      14      Q. Who was your lieutenant that night?      15      A. Lieutenant Summers.      16      Q. Who was your acting sergeant that night?      17      A. Officer Wandick.      18      Q. Where was Sergeant Crumrine in your chain      19     of command?      20      A. He's my sister squad sergeant.      21      Q. Did he have authority over you that night?      22      A. Yes. He's the sergeant.      23      Q. So can you briefly tell me what the      24     procedure is when you start your shift? Is there      25     roll call?</p>

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6 (Pages 18 to 21)

Page 18	Page 20
<p>1        A. There's a briefing.      2        Q. Where does that briefing take place?      3        A. At the Convention Center Area Command, the      4        briefing room.      5        Q. And who conducts the briefing?      6        A. It would have been the acting sergeant      7        then. I don't remember, but it's always a sergeant      8        that does it.      9        Q. And what types of things are discussed at      10      the briefing?      11      A. What we're planning on doing the night,      12      what stops we're going to do, what directed patrol      13      activity we're going to conduct that night.      14      Q. Do you recall what the briefing was about      15      that night?      16      A. I don't.      17      Q. So after you first start around 8:00, how      18      long does that briefing usually take?      19      A. 15, 20 minutes.      20      Q. And I forgot to give you an instruction      21      earlier in the deposition. From time to time I'm      22      going to ask you to estimate. I just don't want you      23      to guess.      24      And so I know you're not guessing right      25      now, but you know the difference between an estimate</p>	<p>1        briefing, correct?      2        A. Yes.      3        Q. Where is that conducted?      4        A. At the Wells Fargo Center on Koval and      5        Flamingo — I'm sorry, Howard Hughes and Flamingo, I      6        think.      7        Q. Where in the Wells Fargo Center?      8        A. In the parking lot.      9        Q. How many people are usually present,      10      roughly?      11      A. 20, 30 officers, maybe.      12      Q. Who conducts that briefing?      13      A. Usually a lieutenant.      14      Q. Do you remember who conducted it that      15      night?      16      A. I believe it was Lieutenant Summers.      17      Q. And what goes into that briefing -- strike      18      that question.      19      What is discussed during that briefing?      20      A. Our posts, where officers are supposed to      21      be stationed, what type of activities we should be      22      focusing on.      23      Q. Okay. And so you were going to be posted      24      at The Link?      25      A. Correct.</p>
<p style="text-align: center;">Page 19</p> <p>1        and a guess, correct?      2        A. Correct.      3        Q. So about 15 or 20 minutes. And then after      4        you have that first briefing, what's the normal      5        procedure?      6        A. We get our patrol cars ready and go out on      7        the street, log on, go out on the street.      8        Q. Where in the process do you get food?      9        A. So that night we were — we were stationed      10      for Safe Strip, so we have Safe Strip briefing at      11      midnight. So between 8:00 to midnight we would find      12      an hour to go get food.      13      Q. When do you typically get your meal after      14      first clocking in?      15      A. If you're referring to that night, between      16      8:00 and midnight.      17      Q. Do you have a regular practice? Like, do      18      you usually get a meal right after you start, or do      19      you wait?      20      A. That night compared to now, I'm on a      21      different schedule. I'm not — but if you're      22      referring to that night, on Safe Strip nights, we      23      always eat between 8:00 to midnight, somewhere around      24      there.      25      Q. And then so you have this Safe Strip</p>	<p style="text-align: center;">Page 21</p> <p>1        Q. Did you have like a call name? Is it      2        Link 1?      3        A. Correct. It's a call sign.      4        Q. What's Link 1 stand for?      5        A. We usually got assigned a call sign to the      6        property we were on.      7        Q. Was there a Link 2?      8        A. No.      9        Q. So does Link 1 apply to you and Officer      10      Flores?      11      A. Correct.      12      Q. Do you remember getting a call from      13      Venetian 1 that night?      14      A. I remember hearing Venetian 1 on the radio.      15      Q. What do you recall hearing?      16      A. I heard them ask for a Code Red.      17      Q. And what's a Code Red?      18      A. Usually we say Code Red when we need the      19      channel locked down for the officer and an emergency.      20      Q. Anything else besides Code Red that you can      21      remember?      22      A. No.      23      Q. So what did you do in response to that Code      24      Red?      25      A. My partner and I were already in our patrol</p>

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7 (Pages 22 to 25)

<p style="text-align: center;">Page 22</p> <p>1 vehicle. And when we heard the Code Red, we heard      2 Venetian 1. And as I said earlier, officers are      3 assigned to -- call signed to their property.      4 Venetian was just north of us. So we got in our      5 vehicle and started driving over to the Venetian      6 property.</p> <p>7 Q. So you get the call. When you get the      8 call, are you in the car at that time? Or are you      9 out of the car?</p> <p>10 A. We were inside the car still.</p> <p>11 Q. And do you recall where you were when you      12 were inside the car? Were you like in the parking      13 garage?</p> <p>14 A. I was in the parking garage, correct.</p> <p>15 Q. So what do you do next?</p> <p>16 A. When I -- where am I starting from?</p> <p>17 Q. Yeah. So you're in the car in the parking      18 garage. You hear the call come through. What do you      19 do next?</p> <p>20 A. We exit the parking garage, lights and      21 sirens. And we -- there's a back alley that connects      22 the Venetian and the Link, and we drive towards the      23 Venetian.</p> <p>24 Q. Okay. How long does it take you to get      25 to -- strike that.</p>	<p style="text-align: center;">Page 24</p> <p>1 A. Yeah. It's a big piece of concrete you can      2 move around. I don't know what they're called.</p> <p>3 Q. Okay. And were you parked on the same side      4 as Sergeant Crumrine? Like, was the barrier      5 separating your vehicles, or were you on the same      6 side of the barrier?</p> <p>7 A. We were on the same side.</p> <p>8 Q. How far did you park away from where      9 Crumrine, Lopera and Tashi were?</p> <p>10 A. I don't know, 10 yards.</p> <p>11 Q. About 20 feet-ish?</p> <p>12 A. Yeah, 20, 30 feet.</p> <p>13 Q. And what vehicle were you driving that day?</p> <p>14 A. A Ford Explorer.</p> <p>15 Q. Were you driving or was Officer Flores      16 driving?</p> <p>17 A. I was driving.</p> <p>18 Q. So you park your vehicle. What do you do      19 as soon as you park your vehicle?</p> <p>20 A. I exit the vehicle. I remember trying to      21 get on the radio to give out our location, and I run      22 straight towards the officers that I saw by the      23 barrier wall.</p> <p>24 Q. All right. So when you first run up,      25 Crumrine was on Tashi's legs and feet, correct?</p>
<p style="text-align: center;">Page 23</p> <p>1 Can you estimate how long it takes you to      2 get to the scene?</p> <p>3 A. Thirty seconds. It's right next door.</p> <p>4 Q. Where do you park your vehicle?</p> <p>5 A. As I'm pulling up into their loading dock      6 area, I see a patrol car, and I park right north of      7 that, and I exit.</p> <p>8 Q. Can I just have you draw a diagram of just      9 where you parked. I would like you to indicate the      10 barrier, your vehicle, I believe Sergeant Crumrine's      11 vehicle, and where Tashi was with Sergeant Crumrine      12 and Kenneth Lopera.</p> <p>13 A. Okay. So I'm not quite an artist.</p> <p>14 So this would be the -- Sergeant Crumrine's      15 vehicle, the "X." And then the "O" would be where I      16 parked my car.</p> <p>17 This is the -- they're back of the house      18 that leads to the valet up front here. And they're      19 right here by this pony wall.</p> <p>20 Q. Okay. All right. I'm sorry, you said a      21 pony wall?</p> <p>22 A. Yeah. I don't know what they're called.</p> <p>23 Q. Like a barrier?</p> <p>24 A. Yeah.</p> <p>25 Q. It could be called pony wall?</p>	<p style="text-align: center;">Page 25</p> <p>1 A. He was near the legs and feet, correct.</p> <p>2 Q. When you say "near," I mean, he had his      3 hands around Tashi's legs and feet, correct?</p> <p>4 A. Well, I mean, he was near -- at the time      5 when I got out of the vehicle and ran up, he was near      6 the legs. I don't know if he was on top or if he was      7 holding, but he was near the legs and feet, correct.</p> <p>8 Q. Okay. All right. Can you just please      9 write your name there.</p> <p>10 A. Anywhere?</p> <p>11 Q. Yeah, anywhere.</p> <p>12 A. Okay.</p> <p>13 (Exhibit 19 was marked for      14 identification.)</p> <p>15 MR. LAGOMARSINO: I'll get you guys a copy      16 on the break.</p> <p>17 MR. MCNUTT: One of us can get a copy when      18 we get the transcript. That's fine.</p> <p>19 MR. LAGOMARSINO: All right.</p> <p>20 (Exhibit 1 was marked for      21 identification.)</p> <p>22 BY MR. LAGOMARSINO:</p> <p>23 Q. You had your deposition taken in a      24 different case involving Tashi Farmer; is that      25 correct?</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

8 (Pages 26 to 29)

<p style="text-align: center;">Page 26</p> <p>1        A. Yes.      2        Q. And you said you reviewed that before      3        today's deposition?      4        A. Yes.      5        Q. Going to page 26 -- well, this is a mini      6        deposition, so there's four pages on one page. But      7        if you go to the page on the bottom that says 26 to      8        29. So at line 17 of page 26, at the top left-hand      9        corner.      10      A. 17?      11      Q. Yeah. So, sorry, so you'll see pages.      12      They go kind of horizontal.      13      A. Okay.      14      Q. The question was at line 17: "Did you      15      recognize the two officers?"      16      And what was your answer at lines 18 to 20?      17      A. "I recognized one" -- do you want me to      18      read it? Is that what you're asking me?      19      Q. Yes, please.      20      A. "I recognized one officer that was on the      21      unknown subject's feet, feet area, but I did not -- I      22      could not see the other officer."      23      Q. So when you say he was on his feet area,      24      what did you mean by that?      25      A. He was near the unknown subject's feet.</p>	<p style="text-align: center;">Page 28</p> <p>1        So I'm just asking you the facts right now,      2        not necessarily what you recall from that night or      3        what you watched on video. Okay?      4        So when you first ran up, where was      5        Officer Lopera?      6        A. He was on his side.      7        Q. And was he behind Tashi?      8        A. They were -- yes. They were both on their      9        side. He was behind.      10      Q. And at that time, Lopera was holding onto      11      Tashi, correct?      12      A. Correct.      13      Q. And how was he holding onto him?      14      A. He was holding him.      15      Q. Did he have his arm around his neck?      16      A. At the time, I didn't observe that.      17      Q. Okay. All right. Let's get Exhibit 2.      18      (Exhibit 2 was marked for      19      identification.)      20      BY MR. LAGOMARSINO:      21      Q. What is Exhibit 2?      22      A. It's my FIT statement.      23      Q. And go ahead and flip through it.      24      So there are page numbers on the bottom.      25      This is produced by Metro. It says LVMPD 1587</p>
<p style="text-align: center;">Page 27</p> <p>1        Q. Was he just --      2        A. Or legs area.      3        Q. Was he just standing there, or was he in      4        physical contact with them?      5        A. He was crouched down.      6        Q. Did it appear to you that he was holding      7        his legs down?      8        A. At the time, I just knew he was by his      9        feet. I don't know what force he was using, or if      10      any physical force.      11      Q. What was Lopera doing when you first ran      12      up?      13      A. They were laying on the ground.      14      Q. On his side?      15      A. Yes.      16      Q. And Lopera was where? That's a vague      17      question. I'll rephrase.      18      Lopera was behind Tashi, correct?      19      A. I'm sorry, because I've seen the videos and      20      I'm trying to -- I'm trying to recall from what I      21      specifically saw that night.      22      Q. Well, and I may differentiate that, but      23      what I'm asking you right now is based on you watched      24      Lopera's body cam. You were there, and you've seen      25      some Venetian footage.</p>	<p style="text-align: center;">Page 29</p> <p>1        through 1593. Is that what you have in front of you?      2        A. Yes.      3        Q. Okay. All right. It looks like there's --      4        is that the last page you have, or is there a page      5        behind that?      6        A. No. It's the last page.      7        Q. All right. So does this appear to be a      8        true and correct copy of your FIT statement?      9        A. Yes.      10      Q. And when did you give your FIT statement?      11      A. The night of the incident.      12      Q. And do you believe that your recollection      13      was better the night of the incident or today?      14      A. As in, do I believe I know the facts more      15      today or the night of?      16      Q. Well, not -- I'll differentiate. Based on      17      your independent recollection of the incident, not      18      counting the video surveillance that you watched or      19      video camera footage, would your memory be better      20      today or the night of the incident?      21      MR. ANDERSON: Objection. Form.      22      Go ahead.      23      THE WITNESS: Probably today. I mean...      24      BY MR. LAGOMARSINO:      25      Q. Well, when you gave your FIT statement, you</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

9 (Pages 30 to 33)

<p style="text-align: center;">Page 30</p> <p>1      were asked at 1590 -- so JL stands for Detective J.      2      Leavitt. Do you know who that is?      3      A. I do not.      4      Q. And MT is Michael Tran, I'll represent.      5      So you state, "But as I turned I saw the      6      patrol vehicle parked right before the entrance --      7      right before the entrance of the, uh, Venetian."      8      And then Detective Leavitt says, "Okay,      9      perfect. Yeah, if you'll go on to what you saw and      10     what you do from that point then."      11     What was your answer on the night of the      12     incident? You can just read the whole thing into the      13     record.      14     A. "Okay. So as I pulled up, I saw the      15     vehicle. I saw a green uniformed officer. I didn't      16     know who it was so I jumped out. As I ran up to the      17     uniformed officer, I saw another officer, uh, holding      18     a suspect on the ground in what appeared to be an      19     LVNR. I went to grab the suspect's hands to cuff      20     him, and there was a cuff on one of the wrists -- I      21     want to say the left one. So we're trying to pull      22     his arm out to get him cuffed, but it seemed like it      23     was wedged between either the officer and the LVNR      24     and the suspect's own back. So I was trying to      25     pretty much pull it out and couldn't. So I looked at</p>	<p style="text-align: center;">Page 32</p> <p>1      compressions on the suspect and medical showed up      2      shortly after."      3      Q. So going back a little bit in time. You      4      did handcuff Tashi; is that correct?      5      A. Correct.      6      Q. And do you have any recollection of Tashi      7      struggling at all?      8      A. No.      9      Q. Tashi did not struggle when you put the      10     handcuffs on him; is that correct?      11     A. Not to my recollection.      12     Q. And let me just get a clearer record      13     because it was kind of a double negative question.      14     Did Tashi struggle when you put the      15     handcuffs on him?      16     MR. MCNUTT: Objection. Form.      17     THE WITNESS: No.      18     BY MR. LAGOMARSINO:      19     Q. How much time can you estimate elapsed from      20     the time that you exited your vehicle when you first      21     got there to the time that you said loosen up?      22     A. 40 seconds.      23     Q. And you said loosen up because he appeared      24     to be out, correct?      25     A. Correct.</p>
<p style="text-align: center;">Page 31</p> <p>1      the suspect, and he appeared to be out, like      2      unconscious. So I told the officer, hey, I think      3      he's out, you can loosen up a little. So as he      4      loosened up, we were able to pull his right arm back,      5      and my partner put a second cuff on his right arm and      6      cuffed it to..."      7      Q. And then, interrupted, said "It's all      8      right," and then can you continue, please.      9      A. Cuffed it to the -- "cuff that was already      10     on his left wrist. After that we rolled him up or      11     rolled him on his back. I attempted to do sternal      12     rubs and see if he would wake up. I tried looking      13     for a pulse, but I couldn't find one. I didn't know      14     if it was just -- if my adrenaline was flying or      15     what, but I couldn't find one when I was trying to do      16     that. I sat him up, gave him some lower back taps to      17     see if that would wake him up. I wasn't getting      18     anything out of him so I called -- well, I called for      19     medical. After that, I think somebody else already      20     called for him, but I called for medical, cleared the      21     red, and waited for medical. While we were waiting,      22     another couple units -- I know an FTO and his trainee      23     showed up, and while they were there they checked for      24     a pulse and they couldn't find one either. So that's      25     when we uncuffed him and he started doing chest</p>	<p style="text-align: center;">Page 33</p> <p>1      Q. And by "out," what do you mean?      2      A. He was unconscious.      3      Q. How long did it take you to handcuff him?      4      A. 40 seconds.      5      Q. And during that entire time, you did not      6      observe whether he was conscious, correct?      7      MR. ANDERSON: Objection. Form.      8      THE WITNESS: While I was attempting to      9      handcuff him, no.      10     BY MR. LAGOMARSINO:      11     Q. Did you check to see if he was conscious      12     while you were attempting to handcuff him?      13     A. On that night, my recollection is still --      14     from that night, what I remember was we couldn't get      15     his arm free to handcuff him. And I looked down and      16     saw he was unconscious, and I told him loosen up.      17     That's when he loosened up, and we were able to get      18     his arm free to handcuff him.      19     Q. When you say loosen up or he loosened up,      20     "he" is Lopera, correct?      21     A. Correct.      22     Q. Did you ever have a conversation with      23     Flores that night about the incident?      24     A. I don't recall.      25     Q. Eventually you were separated as partners,</p>

**Officer Michael Tran ~ December 18, 2018**  
**\* \* \* Videotaped Deposition \* \* \***

10 (Pages 34 to 37)

<p style="text-align: center;">Page 34</p> <p>1      correct?      2      A. Yes.      3      Q. Why were you separated as partners?      4      A. We weren't – I transferred off the squad.      5      Q. Why did you transfer off the squad?      6      A. June.      7      Q. But why?      8      A. Oh, it was a better shift. I got off      9      graveyard.      10     Q. And you say "better shift," how many shifts      11    are there?      12     A. At least three.      13     Q. And is graveyard viewed as the worst shift?      14     A. For me it is.      15     Q. At the Academy, or at any training since      16    you graduated the Academy, were you ever taught what      17    a rear naked choke is?      18     A. Never taught that.      19     Q. So is it fair to say that since you did      20    not – strike that.      21     Since you were not taught what a rear naked      22    choke is, you're not able to tell the difference      23    between a rear naked choke and an LVNR?      24     MR. ANDERSON: Objection. Form.      25     MR. MCNUTT: Join.</p>	<p style="text-align: center;">Page 36</p> <p>1      BY MR. LAGOMARSINO:      2      Q. Now, is it fair to say that you're only      3      allowed to use the five-second cycle when you tase a      4      person?      5      A. Yes.      6      MR. MCNUTT: Objection. Form.      7      BY MR. LAGOMARSINO:      8      Q. And if Lopera used his taser for nine      9      seconds, that would violate Metro's policy; is that      10    correct?      11     MR. MCNUTT: Objection. Form.      12     THE WITNESS: Yes.      13     BY MR. LAGOMARSINO:      14     Q. In watching Lopera's video, did you see      15    Lopera striking Tashi 10 to 12 times?      16     MR. MCNUTT: Objection. Form.      17     THE WITNESS: I saw the strikes. I don't      18    know how many there were.      19     BY MR. LAGOMARSINO:      20     Q. Based on what you saw in the video, would      21    Lopera's use of strikes violate Metro's policy?      22     MR. ANDERSON: Objection. Form.      23     Go ahead.      24     THE WITNESS: Depending on the suspect's      25    level of resistance.</p>
<p style="text-align: center;">Page 35</p> <p>1      THE WITNESS: I know what both look      2      like.      3      BY MR. LAGOMARSINO:      4      Q. And how do you know what both look like?      5      A. When I see on – when I'm watching UFC or      6      any fights, and what I've learned in the Academy.      7      Q. So your knowledge in terms of a rear naked      8      choke comes from UFC?      9      Let me rephrase the question.      10     So your knowledge about what a rear naked      11    choke is comes from UFC, correct?      12     A. Yes.      13     Q. Sorry. And based on your observation of      14    Lopera that evening, he appeared to you to be in an      15    LVNR, correct?      16     A. Yes.      17     Q. Having watched the Lopera video, is it your      18    understanding that Lopera tased Tashi more than three      19    times?      20     A. Yes.      21     Q. And that would violate Metro's policy; is      22    that correct?      23     MR. MCNUTT: Objection. Form.      24     THE WITNESS: Yes.</p>	<p style="text-align: center;">Page 37</p> <p>1      BY MR. LAGOMARSINO:      2      Q. So let's clarify that. If a suspect is      3      demonstrating aggressive resistance, strikes are      4      allowed, correct?      5      A. Correct.      6      Q. Was Tashi showing the level of resistance      7      that would allow strikes based on your review of the      8      video?      9      A. Are you referring to Officer Lopera's      10     video?      11     Q. Yes.      12     A. I mean, I haven't seen it in so long, but I      13    wasn't there, but based on the video, no.      14     Q. "No" what?      15     A. No, the strikes were not necessary.      16     Q. Okay. An officer striking somebody on the      17    head could be potentially deadly force; is that      18    correct?      19     MR. ANDERSON: Objection. Form.      20     THE WITNESS: Potentially cause injury.      21     BY MR. LAGOMARSINO:      22     Q. When is striking a suspect allowed, in a      23    general sense? Let's not talk about Tashi just for      24    this question. In a general sense, when does Metro      25    policy allow an officer to strike a suspect?</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

11 (Pages 38 to 41)

<p style="text-align: right;">Page 38</p> <p>1        A. During aggressive resistance of the      2 suspect. If he shows an intent to do harm to the      3 officer or others.      4        Q. Have you seen anything in this case that      5 indicates that Tashi was trying to do harm to the      6 officer or to another person?      7        A. Are you asking, reference the video again?      8        Q. Yes.      9        A. I mean, hindsight is 20/20, but not in the      10 video I saw.      11      Q. Are you able to estimate how much training      12 you received on the LVNR in the Academy?      13      A. I would estimate 40 hours.      14      Q. And then since October 22nd of '15, how      15 many hours would you estimate you've received of      16 training on the LVNR?      17      A. We do quarterly defensive tactics, but ten      18 hours. I'm estimating right now.      19      Q. Okay. When you do the quarterly defensive      20 tactics training, does it include – it only LVNR      21 that you're receiving?      22      A. No, it's not.      23      Q. So did you receive LVNR training every time      24 you received defensive tactics training since October      25 of '15?</p>	<p style="text-align: right;">Page 40</p> <p>1        BY MR. LAGOMARSINO:      2        Q. I'm not talking about the night of the      3 evening, but in a general sense, an officer like      4 yourself who may see a person unconscious and still      5 in the LVNR is required by training to intervene; is      6 that correct?      7        A. Yes.      8        Q. Based on your training, what does intervene      9 mean to you? Intervene or intercede, we'll use those      10 interchangeably.      11      A. If the officer observes a reasonable force,      12 when it's safe to do so, they will verbal or physical      13 intervention.      14      Q. During the time that you were handcuffing      15 Tashi, was Crumrine still by his feet?      16      A. Yes.      17      Q. Based on your recollection, when is the      18 first time that Crumrine left the feet area of      19 Tashi?      20      A. I don't know.      21      Q. Did you ever see him, in relation to Tashi,      22 anywhere else on Tashi's body?      23      A. No.      24      Q. So you said loosen up, and then Lopera      25 released the hold, right?</p>
<p style="text-align: right;">Page 39</p> <p>1        A. Are you asking if I've done it every time?      2        Q. Right. Have you received LVNR training      3 every quarter since October of '15?      4        A. Not every quarter.      5        Q. How many hours of LVNR training would you      6 estimate you've received – and maybe I asked you      7 this already, so let me just ask it again for      8 context, and I'll start over.      9        How many hours of LVNR training do you      10 estimate you've received since October of 2015?      11      A. Ten hours.      12      Q. Is it your understanding, based on your      13 training with Metro, that once a person is rendered      14 unconscious by any type of a neck restraint,      15 including the LVNR, that the person using the      16 restraint must release the hold?      17      MR. MCNUTT: Objection. Form.      18      THE WITNESS: Yes.      19      BY MR. LAGOMARSINO:      20      Q. Is it your understanding that the failure      21 to discontinue a hold in that situation constitutes      22 excessive force, as you were trained?      23      MR. MCNUTT: Objection. Form.      24      MR. ANDERSON: Objection. Form.      25      THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1        A. Yes.      2        Q. What did you do next?      3        A. We – I checked to see if he had a pulse.      4        He didn't. I conducted some sternal rubs to see if I      5 could get any reaction out of him. Did some lower      6 back taps. I called for medical immediately.      7        Q. When you did that, was it clear to you that      8 he wasn't breathing?      9        A. Was it clear?      10      Q. Yeah.      11      A. He didn't have a pulse, but I don't have a      12 medical background, but I wouldn't say it was clearly      13 apparent that he wasn't breathing. I couldn't find a      14 pulse, but I don't know.      15      Q. Well, it was clear to you that he didn't      16 have a pulse and he was unconscious, correct?      17      A. Correct.      18      Q. What's the purpose of doing pump strikes on      19 the lower back?      20      A. We were taught in the Academy it helps, I      21 guess, wake the person up if they're unconscious.      22      Q. And if they're not reviving as a result of      23 those maneuvers, what's the next required step?      24      A. Request medical.      25      Q. Were you trained in your LVNR training that</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

12 (Pages 42 to 45)

<p style="text-align: center;">Page 42</p> <p>1       you're supposed to constantly monitor somebody who      2       has had LVNR applied to them if they've gone      3       unconscious?</p> <p>4       A. Can you clarify "constantly monitor"?</p> <p>5       Q. Well, what is your -- let me restate the      6       question.</p> <p>7       What is your understanding of your      8       obligation pursuant to your training when somebody      9       has had an LVNR applied to them and they're not      10      reviving?</p> <p>11      A. Request medical.</p> <p>12      Q. At Metro, were you trained on chest      13      compressions?</p> <p>14      A. Yes.</p> <p>15      Q. Were you trained that chest compressions or      16      CPR should be used immediately if somebody is not      17      reviving after an LVNR?</p> <p>18      A. I don't recall that.</p> <p>19      Q. Are you saying you weren't trained that      20      way, or you just don't recall?</p> <p>21      MR. ANDERSON: Objection. Form.</p> <p>22      THE WITNESS: I don't recall that being      23      said or -- or one of the trainings on the LVNR.</p> <p>24      BY MR. LAGOMARSINO:</p> <p>25      Q. Did Lopera check to see if Tashi was</p>	<p style="text-align: center;">Page 44</p> <p>1       BY MR. LAGOMARSINO:      2       Q. Officer Tran, do you understand you're      3       still under oath?</p> <p>4       A. Yes.</p> <p>5       Q. All right. Did you ever see Crumrine take      6       a pulse?</p> <p>7       A. No.</p> <p>8       Q. Did you ever see Crumrine tap Tashi's back?</p> <p>9       A. No.</p> <p>10      Q. Did you ever see Crumrine do a sternal rub?</p> <p>11      A. No.</p> <p>12      Q. And to be clear, you didn't see Lopera do      13      any of those things either; is that correct?</p> <p>14      A. Correct.</p> <p>15      Q. After you determined that Tashi was      16      unresponsive, how long did it take you to call      17      medical?</p> <p>18      A. Immediately.</p> <p>19      Q. And how did you go about calling medical?</p> <p>20      A. Using my radio.</p> <p>21      Q. And where were you when you called medical?</p> <p>22      A. Still at the scene, or right next to Tashi.</p> <p>23      Q. If you could please turn to Exhibit -- go      24      to Exhibit 1, page 58.</p> <p>25      MR. MCNUTT: 58?</p>
<p style="text-align: center;">Page 43</p> <p>1       conscious, based on your recollection?</p> <p>2       MR. ANDERSON: Objection. Form.</p> <p>3       THE WITNESS: Did Lopera check?</p> <p>4       BY MR. LAGOMARSINO:</p> <p>5       Q. Yeah.</p> <p>6       A. No.</p> <p>7       Q. Did you have a recollection of ever seeing      8       Lopera check to see if he had a pulse?</p> <p>9       A. Physically check?</p> <p>10      Q. Correct.</p> <p>11      A. No.</p> <p>12      Q. Who sat Tashi up and tapped him on his back      13      along with yourself?</p> <p>14      A. I don't recall that actually.</p> <p>15      MR. LAGOMARSINO: Let's take a quick      16      five-minute break.</p> <p>17      THE VIDEOGRAPHER: We're going off the      18      record at approximately 10:59 a.m.</p> <p>19      (Ms. Farmer and Ms. Day left the      20      room.)</p> <p>21      (A recess was taken from 10:59 a.m.      22      to 11:18 a.m.)</p> <p>23      THE VIDEOGRAPHER: We're going back on the      24      record. The time is approximately 11:18 a.m.</p>	<p style="text-align: center;">Page 45</p> <p>1       MR. LAGOMARSINO: Yes.</p> <p>2       BY MR. LAGOMARSINO:</p> <p>3       Q. So on the top of page 58, line 2, question:      4       "All right. How long did it take to get an ambulance      5       there?"</p> <p>6       Answer: "I don't recall."</p> <p>7       Question: "Estimate."</p> <p>8       Answer: "Three minutes."</p> <p>9       Question: "Pretty fast."</p> <p>10      Answer: "Three to five. I don't know."</p> <p>11      Is it about three to five minutes it took      12      the ambulance to get there, based on an estimate?</p> <p>13      A. I believe so.</p> <p>14      Q. During the time that you were waiting for      15      the ambulance -- strike that.</p> <p>16      Is it fair to say that after you did the      17      sternal rub, the taps on the back and checking for a      18      pulse and calling medical, that you didn't do      19      anything else with respect to Tashi?</p> <p>20      A. Correct.</p> <p>21      Q. Now, at some point after you called medical      22      and the time that medical arrived, another field      23      training officer arrived at the scene, correct?</p> <p>24      A. Correct.</p> <p>25      Q. And he performed chest compressions; is</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

13 (Pages 46 to 49)

Page 46	Page 48
<p>1      that correct?</p> <p>2      A. Correct.</p> <p>3      Q. How long between the time you called</p> <p>4      medical and the time that that field training officer</p> <p>5      arrived?</p> <p>6      A. A minute.</p> <p>7      Q. Just estimating?</p> <p>8      A. I'm just estimating. I don't know.</p> <p>9      Q. Do you understand that to be Amburgey?</p> <p>10     A. Correct.</p> <p>11     Q. Do you know him personally?</p> <p>12     A. He was working out of my station.</p> <p>13     Acquaintance, coworkers.</p> <p>14     Q. Did you ever talk to him about this</p> <p>15     incident --</p> <p>16     A. No.</p> <p>17     Q. -- after the incident?</p> <p>18     A. I'm sorry.</p> <p>19     Q. The answer is no?</p> <p>20     A. No.</p> <p>21     Q. Watching the video from Lopera's body cam,</p> <p>22     did you see any attempt made by Tashi to hijack the</p> <p>23     truck?</p> <p>24     MR. ANDERSON: Objection. Form.</p> <p>25     THE WITNESS: Based off the video, no.</p>	<p>1      A. All the statements that were said, I was</p> <p>2      not present during the -- when they were said.</p> <p>3      Q. Okay.</p> <p>4      A. I'm sorry, what's -- can you repeat the</p> <p>5      question?</p> <p>6      Q. Sure. So let's break it down a little bit.</p> <p>7      So you watched two videos, right?</p> <p>8      A. The Venetian camera one, and Lopera's</p> <p>9      body-worn camera, correct.</p> <p>10     Q. So the Venetian, just for the record, is</p> <p>11     the overhead surveillance, correct?</p> <p>12     A. Yes.</p> <p>13     Q. And the Lopera body cam is his body camera?</p> <p>14     A. Yes.</p> <p>15     Q. Let's break it down a little bit. How does</p> <p>16     your memory of the events differ, if at all, from the</p> <p>17     Venetian surveillance?</p> <p>18     A. In my FIT statement, I stated that I</p> <p>19     couldn't get his arm free, and I looked down at</p> <p>20     Lopera and Tashi, and I observed Farmer unconscious.</p> <p>21     And I said, hey, let him go, he's -- or loosen up,</p> <p>22     he's out, loosen up.</p> <p>23     Now that I -- the night of, I recall -- I'm</p> <p>24     sorry. Let me step back.</p> <p>25     Q. As compared to the surveillance camera?</p>
<p>1      BY MR. LAGOMARSINO:</p> <p>2      Q. You've been asked in your other deposition</p> <p>3      whether you've said the words, "Let him go, Ken." Do</p> <p>4      you recall that question?</p> <p>5      A. Yes.</p> <p>6      Q. And your answer is that that was not you,</p> <p>7      correct?</p> <p>8      A. Correct.</p> <p>9      Q. Do you believe that to be Crumrine as you</p> <p>10     sit here today?</p> <p>11     A. Yes.</p> <p>12     Q. Now, when that statement was said, you were</p> <p>13     on the scene, correct?</p> <p>14     A. Are you referring to the video again?</p> <p>15     Q. Yeah.</p> <p>16     A. On the video I was not on scene.</p> <p>17     Q. Okay. All right. Did you ever talk to</p> <p>18     Officer Flores about having heard on the tape</p> <p>19     Officer Crumrine saying "Let him go"?</p> <p>20     A. No, I don't recall it.</p> <p>21     Q. How does the video differ from your memory?</p> <p>22     A. You're referring to Lopera's body-worn</p> <p>23     camera?</p> <p>24     Q. Well, the video that you watched, correct,</p> <p>25     the body-worn camera.</p>	<p>1      A. Yeah. Now I know the surveillance camera.</p> <p>2      I handcuffed him first, and then looked down and saw</p> <p>3      that Tashi Farmer was unconscious. And I stated</p> <p>4      loosen up, loosen up, he's out.</p> <p>5      So those are the two differences.</p> <p>6      Q. Between what you remember and the Venetian</p> <p>7      surveillance?</p> <p>8      A. Correct.</p> <p>9      Q. Now, you've alluded to it before, but just</p> <p>10     so we have a clear record for the Court, what's your</p> <p>11     difference in memory from the body cam footage and</p> <p>12     your -- strike that.</p> <p>13     What's the difference between your memory</p> <p>14     of the incident and the body cam footage from Lopera?</p> <p>15     A. The same as the Venetian one.</p> <p>16     Q. Okay. Based on your recollection and</p> <p>17     review of the video surveillance and the body cam,</p> <p>18     after Officer Lopera released the hold on Tashi,</p> <p>19     Officer Lopera didn't do anything else with respect</p> <p>20     to Tashi; is that correct?</p> <p>21     A. What do you mean? Physically?</p> <p>22     Q. Correct.</p> <p>23     A. Physically, no.</p> <p>24     Q. From the time that you got to the scene</p> <p>25     with -- strike that.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

14 (Pages 50 to 53)

Page 50	Page 52
<p>1        You got to the scene with Officer Flores,      2 correct?      3        A. Yes.      4        Q. You both exited the car at the same time.      5        A. Yes.      6        Q. From the time that you got to the scene      7 until the time that Lopera released the hold, did      8 Flores do anything whatsoever to intervene?      9        A. We were both focused on taking Farmer into      10 custody.      11       Q. So the answer is no?      12       MR. ANDERSON: Objection. Form.      13 BY MR. LAGOMARSINO:      14       Q. Let me rephrase.      15       So turn to page 77 in your deposition.      16 It's in the bottom right-hand corner.      17       And the question was, in line 17: "From      18 the time that you got there until the time that      19 Officer Lopera released the hold, did Flores do      20 anything whatsoever to intervene?"      21       And what was your answer at lines 20 and      22 21?      23       A. "No. We were trying to take him into      24 custody."      25       Q. Is that accurate?</p>	<p>1        recollection, we couldn't determine if it was a rear      2 naked or LVNR. We saw encircling arm.      3        Q. When did you have that conversation with      4 Officer Flores?      5        A. I don't know.      6        Q. Can you estimate? Within a month after the      7 incident? Three months?      8        A. Just definitely it was after our CIRT      9 review.      10       Q. Okay. And at the time that you gave your      11 FIT statement, you did believe that it was an LVNR,      12 correct?      13       A. It appeared to be an LVNR.      14       Q. Have you ever had the LVNR applied to you?      15       A. Yes.      16       Q. In training?      17       A. Yes.      18       Q. At the Academy?      19       A. Yes.      20       Q. Post Academy, have you ever had it applied      21 to you?      22       A. Yes. During our quarterly.      23       Q. And as part of the training, does Metro      24 allow you guys to be rendered unconscious?      25       A. No.</p>
<p>1        A. Yes.      2       Q. Now, going to the next page, from the time      3 that you got to the scene to the time that Lopera      4 released the hold, did you see Sergeant Crumrine do      5 anything to intervene in terms of getting Lopera to      6 release the LVNR?      7       A. From the time I got to the scene?      8       Q. To the time the hold was released.      9       A. Did Sergeant Crumrine ask to intervene?      10       Q. Yeah.      11       A. No.      12       Q. Can you please turn to page 82 of your      13 deposition. There is a question at line 4. It says,      14 "Okay. Did you ever have a conversation with Officer      15 Flores about whether or not the hold that Officer      16 Lopera had around the neck of Mr. Farmer-Brown was a      17 lateral vascular neck restraint or a rear naked choke      18 hold?"      19       And the answer, "We both agreed that we      20 didn't know what it was."      21       Where do you -- can you expand on that?      22 What are you trying to say there?      23       A. I forgot the lawyer's name, but he asked if      24 we discussed whether or not we knew it was an LVNR      25 rear naked choke, and we both, through our</p>	<p>1        Q. And why?      2       A. I don't know how to answer that question.      3       Q. Do you believe because it's too dangerous?      4       MR. MCNUTT: Objection to form.      5       MR. ANDERSON: Join.      6       THE WITNESS: You're asking my opinion on      7 it?      8       BY MR. LAGOMARSINO:      9       Q. Just your opinion.      10       A. I don't believe it's too dangerous, no.      11       Q. Then why doesn't Metro allow you guys to be      12 rendered unconscious?      13       A. I don't believe it serves the purpose of      14 training.      15       Q. How long did you have it applied to you      16 for?      17       A. Like?      18       Q. You had the LVNR applied to you. Would it      19 be ten seconds? Five seconds? Twenty seconds?      20       A. However long it takes my partner to learn      21 the training movement.      22       Q. And what level of LVNR did you have applied      23 to you?      24       A. All three levels.      25       Q. And since this incident, there's been a</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

15 (Pages 54 to 57)

Page 54	Page 56
<p>1 change in the policy regarding the use of the LVNR;      2 is that correct?      3     A. Yes.      4     Q. What's the change?      5     A. They moved the LVNR level one from low      6 level control to intermediate force.      7     Q. And were you trained as to why?      8     A. Why the policy changed?      9     Q. Right.      10    A. No.      11    Q. How were you notified that the policy      12 changed?      13    A. We have -- I don't know how to describe it.      14 We have online policy releases that we have to review      15 that are mandatory quarterly.      16    Q. Did you agree with the change?      17    A. Yes.      18    Q. Do you receive a certification as part of      19 your LVNR training?      20    A. I do not.      21    Q. Is there a certification available for      22 LVNR, to your knowledge?      23    A. I don't know.      24    Q. Fair to say you're not LVNR certified; is      25 that correct?</p>	<p>1 the exams.      2     Q. Under your training, when a subject is not      3 resisting, regardless of whether he's unconscious, an      4 LVNR should not be applied, correct? Do you want me .      5 to rephrase it?      6     A. Are you referring to this specific? Or      7 I'm -- can you rephrase it? I'm sorry.      8     Q. Yeah, let's talk in general. In general,      9 if a suspect is not resisting after the LVNR has been      10 applied --      11    A. After, okay.      12    Q. Okay? Regardless of whether he's conscious      13 or not, the LVNR has to be stopped, correct?      14    A. No.      15    Q. All right. Can you please turn to page 89      16 of your deposition.      17    A. 80 what? I'm sorry.      18    Q. I apologize. 89.      19    So at line 13, it says, "What training have      20 you received as to when to stop compression on a      21 subject's neck?"      22    What did you say?      23    A. "When the subject's resistance is over and      24 if he's unconscious."      25    Q. And then the next question was, "Okay. So</p>
Page 55	Page 57
<p>1     A. I'm certified in LVNR through the Academy.      2 I didn't receive -- are you saying receive a physical      3 certification handed to me? I mean, I'm certified in      4 driving the SUV, but I didn't receive a certified      5 physical certification, if you will.      6     Q. Okay. That's fair.      7     Obviously, when you pass all your classes      8 at the Academy you're approved to be a police      9 officer, right?      10    A. Correct.      11    Q. Were there separate individual      12 certifications that you've received since the      13 Academy? Like are you crisis intervention trained      14 certified, CIT?      15    A. Yes. CIT certified.      16    Q. That's a special certification, right?      17    A. Yes.      18    Q. Do you have a special certification for the      19 LVNR like you have for CIT?      20    A. I'm LVNR certified.      21    Q. Okay. Is there a certificate that you get?      22    A. I didn't receive a certificate.      23    Q. How do you know you're LVNR certified?      24    A. Because we trained the LVNR in the Academy,      25 and we took a written exam on the LVNR, and I passed</p>	<p>1 either he's not resisting or he's unconscious, in      2 which case he's not resisting."      3     And what was your answer?      4     A. "Can be the same."      5     Q. What training had you received prior to May      6 of 2017 as to how to determine if a subject is      7 unconscious?      8     A. LVNR training.      9     Q. Okay. So if the subject's eyes are closed,      10 that's an indicator, correct?      11    A. Correct.      12    Q. What are some other indicators that the      13 person is unconscious?      14    A. He's not responding to verbal commands.      15 Resistance levels.      16    Q. Have you ever sued somebody before?      17    A. I have not.      18    Q. Have you ever been sued besides this case?      19    A. I have not.      20    Q. Are you aware of what your -- what facts      21 you're admitting, denying with respect to Plaintiff's      22 first amended complaint in the case?      23    A. I'm not -- I don't understand the question.      24 I'm sorry.      25    Q. Do you know what an affirmative defense is?</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

16 (Pages 58 to 61)

<p style="text-align: center;">Page 58</p> <p>1        A. No, I don't.      2        Q. So fair to say you don't know what your      3 affirmative defenses are in this case? If you don't      4 know what --      5        A. I don't know what the term means, no.      6        Q. Okay. In watching Lopera's tape, did you      7 hear him say the phrase or question, "Is he out yet?      8 Is he out yet?"      9        A. In watching the video?      10      Q. Yes.      11      A. Yes, I heard it.      12      Q. As an officer, what do you understand he's      13 trying to say?      14      MR. ANDERSON: Objection. Form.      15      THE WITNESS: If he put the -- if the      16 subject was unconscious.      17      BY MR. LAGOMARSINO:      18      Q. Since Tashi wasn't resisting when he was      19 being handcuffed, he should not have had a neck      20 restraint on him; is that correct?      21      MR. MCNUTT: Objection. Form.      22      THE WITNESS: Can you repeat that?      23      BY MR. LAGOMARSINO:      24      Q. Sure. Can you please turn to page 90 of      25 your deposition. So you were asked the question at</p>	<p style="text-align: center;">Page 60</p> <p>1        MR. MCNUTT: Join.      2        THE WITNESS: Yes.      3      BY MR. LAGOMARSINO:      4        Q. Do you agree that maintaining the hold,      5 meaning the LVNR, beyond the time the subject of the      6 LVNR loses consciousness can lead to physical      7 complications? For example, the person can die?      8        MR. ANDERSON: Objection. Form.      9        THE WITNESS: Yes.      10      (Exhibit 3 was marked for      11 identification.)      12      BY MR. LAGOMARSINO:      13      Q. I've handed you what's been marked as      14 Exhibit 3. It looks like it's one, two, three --      15 five photos.      16      Do you have those in front of you?      17      A. Yes.      18      Q. And who is depicted in the first photo?      19      A. Officer Lopera.      20      Q. Does that appear to truly and accurately      21 depict him from the night of the incident to you?      22      A. Yes.      23      Q. The second photo, does that also appear to      24 be Officer Lopera from the night of the incident?      25      A. Yes.</p>
<p style="text-align: center;">Page 59</p> <p>1        line 21, "So" -- we'll start back at line 18 on      2 page 90: "Now, Mr. Farmer" --      3        MR. MCNUTT: 90 or 91? I'm sorry.      4        MR. LAGOMARSINO: Starting at page 90,      5 line 18.      6      BY MR. LAGOMARSINO:      7        Q. The question was, "Now, Mr. Farmer wasn't      8 resisting during any time that you were handcuffing      9 him, right?"      10      And your answer?      11      A. "No."      12      Q. Meaning that he was not resisting, correct?      13      A. I didn't feel any resistance, no.      14      Q. And at line 21, "So during the time you      15 were handcuffing him, he should not have been having      16 a neck restraint placed on his neck, right?"      17      And what was your answer to that question?      18      A. "I wasn't there. I don't know what      19 transpired prior to my arrival. But based on the      20 video, I believe -- I guess not."      21      Q. Based on your training at Metro, did you      22 know as of May 14 of 2017, that if the LVNR was not      23 properly applied, the risk of severe injury      24 increases?      25      MR. ANDERSON: Objection. Form.</p>	<p style="text-align: center;">Page 61</p> <p>1        Q. Truly and accurately depicts him?      2      A. Yes.      3        Q. Third photo, does that truly and accurately      4 depict Officer Lopera from the night of the incident?      5      A. Yes.      6        Q. Fourth photo, does that truly and      7 accurately depict Officer Lopera from the night of      8 the incident?      9      A. Yes.      10      Q. Going to the fifth photo, what's depicted      11 in the fifth photo?      12      A. The scene.      13      Q. Is that your vehicle in the right of the      14 photo?      15      A. This SUV to the right of it? No.      16      Q. Do you know whose that was?      17      A. I do not.      18      Q. And does that appear to be Sergeant      19 Crumrine's vehicle in the middle?      20      MR. ANDERSON: Objection. Form.      21      THE WITNESS: It was a vehicle -- it was a      22 vehicle that was there when I pulled up. I believe      23 it was Crumrine's, yes.      24      BY MR. LAGOMARSINO:      25      Q. Okay. Without respect -- strike that.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

17 (Pages 62 to 65)

	Page 62		Page 64
	Page 63		Page 65
1	Without respect to who was driving which vehicle, does that appear to truly and accurately reflect the scene of the incident after Tashi was taken away?	1	A. You initiate the lights and sirens of the patrol vehicle.
2	A. Yes.	2	Q. Were you talking to Officer Flores on the way to the incident?
3	Q. Were you wearing the same uniform as Officer Lopera that evening?	3	A. Yes. I don't recall what.
4	A. Yes.	4	Q. Do you recall if you guys were checking the MDT?
5	Q. Based on your review of the photos, what weapons and other tools does Officer Lopera have on his belt? Let's start with the first page.	5	A. I was driving.
6	A. You just want me to name what I'm seeing?	6	Q. Do you know if he was checking it?
7	Q. Yes, sir.	7	A. I believe so.
8	A. From midline to the left, handcuffs, OC spray, his firearm. And then on the other side is magazines for his gun and his taser.	8	Q. Did he tell you what was being revealed?
9	Q. I'm going to the fourth page, what's depicted there?	9	A. No.
10	A. From left to right, his flashlight, his radio, his med kit, tourniquet, gloves in his back pocket, baton, firearm.	10	Q. Now, at the time of the incident, you did not -- strike that.
11	Q. Did you also have a med kit like that?	11	When you first got the call and you started to drive there, was it Metro's policy that you were supposed to activate your body camera at that time?
12	A. I did not.	12	A. Yes.
13	Q. What's in the med kit?	13	Q. You did not do that; is that correct?
14	A. That's his personal. I don't know.	14	A. Correct.
15		15	Q. If you would have activated the camera, you would have been able to hear what you had discussed after 30 seconds of recording, correct?
16		16	MR. ANDERSON: Objection. Form.
17		17	THE WITNESS: Yes.
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Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

18 (Pages 66 to 69)

<p style="text-align: right;">Page 66</p> <p>1 activate his body camera?      2 MR. ANDERSON: Objection. Form.      3 THE WITNESS: He's never expressed -- we've      4 never discussed that.      5 BY MR. LAGOMARSINO:      6 Q. It's never come up one way or the other,      7 correct?      8 A. Yes, correct. It's never come up.      9 Q. What's the protocol on when you could turn      10 off your body camera?      11 A. When the scene is static, we can -- or if      12 we're discussing with the other officers, we can      13 deactivate the camera.      14 Q. Why are you allowed to deactivate the      15 camera when you're discussing a matter with the other      16 officers?      17 A. We're discussing police procedures that      18 sometimes we don't -- we don't want the public to      19 know, I suppose.      20 Q. All right. We'll go to Exhibit 4.      21 (Exhibit 4 was marked for      22 identification.)      23 BY MR. LAGOMARSINO:      24 Q. Go ahead and just flip through Exhibit 4.      25 My copy starts at 1937 and ends at 2006. Is that</p>	<p style="text-align: right;">Page 68</p> <p>1 on your Use of Force Board?      2 A. Captain Pelletier, Assistant Sheriff Kelly.      3 It was a lot of people there.      4 Q. Okay. And the -- how long did your Use of      5 Force Board last?      6 A. Two hours, three hours.      7 Q. Were you in the room with everybody for      8 about two or three hours?      9 A. Yes.      10 Q. After you were in the room, did the Board      11 go to deliberate, to your knowledge?      12 A. Did they leave?      13 Q. To go meet about your case.      14 A. I don't recall.      15 Q. How were you presented with the Board's      16 findings?      17 A. PowerPoint.      18 Q. So just to be clear, was it CIRT that      19 presented the PowerPoint?      20 A. Yes.      21 Q. And who was presenting for CIRT?      22 A. Kasey Kirkegard.      23 Q. And who was sitting with you at the Board?      24 A. My union rep.      25 Q. Did you also have an attorney?</p>
<p style="text-align: right;">Page 67</p> <p>1 what you have in front of you?      2 A. Yes.      3 Q. Does this appear to be a true and correct      4 copy of your CIRT statement?      5 A. Yes.      6 Q. It was alleged -- strike that.      7 Was it alleged against you that you failed      8 to intervene properly in Tashi's case?      9 A. Yes.      10 Q. And who alleged that?      11 A. CIRT.      12 Q. It was also alleged that you failed to      13 activate your body-worn camera, correct?      14 A. Yes.      15 Q. Do you know who was on the CIRT team that      16 was investigating you?      17 A. The officers on this statement.      18 Q. Okay. So Hughes, Bledsoe, Ward and Hamm?      19 A. Hamm was my representative. Kirkegard was      20 the interviewing officer.      21 Q. Okay. Do you remember who was on your      22 Use of Force Board?      23 A. I do not.      24 Q. Do you remember -- maybe you don't remember      25 by name, but do you remember by rank or title who was</p>	<p style="text-align: right;">Page 69</p> <p>1 A. No.      2 Q. At the Board, was your union rep Hamm?      3 A. It was not.      4 Q. Who was it?      5 A. I can't remember his name.      6 Q. Brian Yant?      7 A. Yes. Yes, Brian Yant.      8 Q. And did he make statements on your behalf?      9 A. I don't believe so. I don't recall.      10 Q. Now, in this statement it says you waived      11 48 hours notice. What's 48 hour notice, to your      12 knowledge?      13 A. I believe it's a time frame to allow me to      14 speak with a rep or a lawyer.      15 Q. And you attempted to be truthful in this      16 interview; is that correct?      17 A. Yes.      18 Q. Did you talk to anybody else involved in      19 the Tashi incident after the incident about the      20 incident?      21 A. I don't recall.      22 Q. Are you on any social media applications?      23 A. Yes.      24 Q. Which social media applications have you      25 been on since May 14th of 2017?</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

19 (Pages 70 to 73)

	Page 70		Page 72
	Page 71		Page 73
1	A. Facebook, Instagram.	1	this down. So I apologize if we're taking baby
2	Q. Snapchat?	2	steps. Um, when you first run up, where do you stand
3	A. Yeah. I have it.	3	compared to the officer, subject to the sergeant?"
4	Q. WhatsApp?	4	What is your answer at line 9?
5	A. No.	5	A. "So they're laying against, like a -- like
6	Q. The date of your CIRT statement was	6	a -- like a wall, a barrier wall."
7	5/19/17, which is about five days after the incident,	7	Q. So were they physically up against the wall
8	correct?	8	or near it?
9	A. Yes.	9	A. Both. They were pretty close to it.
10	Q. All right. Now, going to page 12 of your	10	Q. Okay. So you went towards Tashi's torso,
11	CIRT statement, at lines 13 through 21, did you	11	correct?
12	describe to CIRT that you saw the officer laying on	12	A. Correct.
13	top of the suspect, which is Tashi Farmer?	13	Q. Why did you go towards his torso?
14	MR. MCNUTT: Objection. Form.	14	A. Because Sergeant Crumrine was by his feet
15	THE WITNESS: Yes.	15	and Mr. Farmer's arms are mid torso. It's where I
16	BY MR. LAGOMARSINO:	16	want to be to take him into custody.
17	Q. And going to page 13, you were asked did it	17	Q. Okay. And you were asked at line -- at
18	appear as though they were taking the subject into	18	page 19 of your CIRT statement. It says, line 4,
19	custody. And your answer was no, correct?	19	"Um, did it appear as though the LVNR was around the
20	A. Yes.	20	throat, as you're saying, was applied properly?"
21	Q. Starting at the end of page 12, last line,	21	And what was your answer?
22	starts with "While you were running." It says, "When	22	A. "I don't know."
23	you noticed that he was laying on top of the suspect,	23	Q. At the time, did you assess whether he was
24	was there any verbal commands being given?" And what	24	properly applying the LVNR?
25	was your answer?	25	A. At the time I was on scene?
1	A. "I don't recall."	1	Q. Correct.
2	Q. As you sit here today, do you recall verbal	2	A. No.
3	commands being given to Tashi after you arrived?	3	Q. Have you ever gone back and looked at the
4	A. No.	4	video to make an assessment as to whether he was
5	Q. As a police officer, if you were trying to	5	properly applying the LVNR?
6	get a suspect to do something, are verbal commands	6	A. I was shown the video, but I wasn't -- no.
7	the proper way to do that?	7	Q. At any time after you got to the scene, do
8	A. Yes.	8	you have any recollection of Tashi being conscious?
9	Q. Was any kind of in-custody plan	9	A. No.
10	communicated to you when you arrived on the scene by	10	Q. Did you observe Lopera make any adjustments
11	Crumrine or Lopera or Flores?	11	to his LVNR other than releasing the LVNR after you
12	A. No. It was too dynamic of a scene to	12	said loosen up?
13	formulate a plan.	13	A. No.
14	Q. Now, there's been some discussion about	14	Q. At page 22 you were asked, it says, "Um,
15	Tashi's arm being wedged between his body and Lopera.	15	also into the body-worn camera of Lopera at the
16	I just want to make it clear, did it appear that he	16	timestamp of 4:08." Sorry, I'll start over.
17	was intentionally wedging his arm between him and	17	At line 14.
18	Lopera?	18	A. Okay.
19	A. When you say "he," Farmer?	19	Q. "Officer Flores? Um, also into the
20	Q. Yeah.	20	body-worn camera of Lopera at the timestamp of 4:08,
21	A. Intentionally? I know it was wedged	21	someone is heard saying 'Loosen up. Loosen up.'
22	between, I don't know if it was him wedging it.	22	Was that you?"
23	Q. Okay. All right. Going to page 18. So	23	And what was your answer?
24	the question at line 6 from Kirkegaard: "Okay, and I	24	A. "Yes."
25	don't mean to -- we're gonna really break -- break	25	Q. And you were asking to loosen up because

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

20 (Pages 74 to 77)

<p style="text-align: center;">Page 74</p> <p>1       you observed him to be out, correct?      2       A. Yes.      3       Q. And then did you say "somebody grab his      4       left arm" or "grab his left arm"?      5       A. Is that on a page you're asking me to refer      6       to?      7       Q. Well, my notes say it is. Let me see here.      8           All right. I'm sorry. So at line 9, it      9       says, "And also, then, review of Officer Lopera's      10      body-worn camera, it's also -- we can hear someone      11      state 'grab his left arm' giving direction. Is that      12      you?"      13      And what was your answer?      14      A. "Yes."      15      Q. Who were you directing to grab his left      16      arm?      17      A. Officer Flores.      18      Q. Did Flores follow your direction?      19      A. Yes.      20      Q. After Farmer was cuffed, was he placed in a      21      face-down position?      22      A. No.      23      Q. Did he end up in a face-down position?      24      A. I don't recall.      25      Q. Do you recall somebody -- strike that.</p>	<p style="text-align: center;">Page 76</p> <p>1       then I don't believe so.      2       BY MR. LAGOMARSINO:      3       Q. Okay. You called for medical, correct?      4       A. Yes.      5       Q. But you did not expedite medical, correct?      6       MR. ANDERSON: Objection. Form.      7       THE WITNESS: I believe I called for      8       medical, and when I realized the severity of the      9       incident, I had medical expedite.      10      BY MR. LAGOMARSINO:      11      Q. All right. Can you please turn to page 26      12      of your CIRT statement.      13           All right. So we'll start at line 1. I'll      14      do the KK and then you can be MT.      15           So "Did you call for medical over the      16      radio?"      17      A. "I did."      18      Q. "Do you recall if you asked for them to      19      expedite?"      20      A. "Um, no, I don't -- I don't recall, but      21      I -- I didn't -- I don't think I did, no."      22      Q. "Didn't?"      23      A. "I did not."      24      Q. "Ask for ex-?"      25      A. "I did not ask for expedite, no."</p>
<p style="text-align: center;">Page 75</p> <p>1       At any time do you recall Farmer being on      2      his stomach while in handcuffs?      3      A. No, I don't recall.      4      Q. Would it be proper if a suspect or a      5      subject was face down or stomach down in handcuffs      6      behind him to then push his legs up to where his      7      heels are going to hit near his buttocks?      8       MR. ANDERSON: Objection. Form.      9       THE WITNESS: I'm sorry, if he's on his      10      stomach?      11      BY MR. LAGOMARSINO:      12      Q. Right.      13      A. In handcuffs, would it be reasonable to      14      push his legs to his buttocks?      15      Q. Right.      16      A. For what reason?      17      Q. For any reason.      18      A. If the subject is still resisting, we could      19      cross his legs and restrain him from fighting us.      20      Q. And do you understand that that could      21      present a risk of positional asphyxiation?      22       MR. ANDERSON: Objection. Form.      23       THE WITNESS: I believe if there's officers      24      on top of his -- on top of the subject, correct. But      25      if we're just restraining his legs and nothing else,</p>	<p style="text-align: center;">Page 77</p> <p>1       Q. "Okay. But you did ask for medical, just      2      not to expedite?"      3      A. "Yes."      4      Q. Do you recall anywhere else in your CIRT      5      statement where you said, as you just testified, that      6      you later asked to expedite?      7       MR. ANDERSON: Objection. Form. Misstates      8      testimony.      9       Go ahead.      10      THE WITNESS: I don't recall in this      11      statement.      12      BY MR. LAGOMARSINO:      13      Q. To you, is there a difference between CPR      14      and chest compressions?      15      A. To me? No.      16      Q. After you determined that Tashi didn't have      17      a pulse, did you observe others try to take his      18      pulse?      19      A. Yes.      20      Q. And did you ask Officer Rybacki if Tashi      21      had a pulse?      22      A. Yes.      23      Q. And what did Officer Rybacki tell you?      24      A. He shook his head no.      25      Q. As part of your kinesiology degree, did you</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

21 (Pages 78 to 81)

Page 78	Page 80
<p>1 receive any medical training at all?      2 A. Nothing formal, no.      3 Q. Did you ever take a class involving trauma      4 and illness?      5 A. I believe so, yeah.      6 Q. Is that Kinesiology 150 at UNLV?      7 A. You had to be a sports injury or a basic      8 EMT.      9 Q. What triggered you to turn your body cam      10 on?      11 A. Since the scene was static, the first thing      12 I remembered was I needed to turn my body camera on.      13 Q. When did the scene become static to you?      14 A. After Mr. Farmer was placed into handcuffs.      15 Q. How long have you been using a body cam?      16 Let me strike that.      17 Before May of 2017, how long had you been      18 using a body cam?      19 A. Since November of 2014.      20 Q. Can you give an estimate as to the total      21 amount of hours you've had training on body cam?      22 A. I mean, since November until May. I mean,      23 I don't know how many months that is. Six months --      24 six months.      25 Q. Okay. Six months' worth of training on the</p>	<p>1 BY MR. LAGOMARSINO:      2 Q. Did you take a pulse by accident? Like you      3 knew when you were placing your hand on his neck that      4 you were checking his pulse, correct?      5 A. Correct.      6 Q. Was there anything else that you did that      7 night by accident, or did you just act according to      8 your training?      9 A. It was according to training.      10 Q. Had you ever socialized with Lopera before      11 this incident?      12 A. No.      13 Q. When you got to the scene, it did not      14 appear to you that the officers were struggling; is      15 that correct?      16 MR. MCNUTT: Objection. Form.      17 THE WITNESS: No.      18 BY MR. LAGOMARSINO:      19 Q. It's not correct?      20 A. No, they were not -- no, there was no      21 struggle.      22 Q. Are you familiar with the phrase "shrimping      23 out"?      24 A. Yes.      25 Q. What does "shrimping out" mean?</p>
<p>1 body cam?      2 A. Of using the body cam.      3 Q. Prior to May of '17 you had used your      4 body cam in stressful situations before; is that      5 correct?      6 A. Yes.      7 Q. And you were trained on the policy to turn      8 on your body cam while you were driving code; is that      9 correct?      10 A. Yes.      11 Q. And I don't mean this to be offensive, I've      12 asked this of the other witness: Have you ever been      13 diagnosed with a hearing problem?      14 A. No.      15 Q. That night or morning with Tashi, did you      16 do anything by accident?      17 A. Accident?      18 Q. Let me rephrase.      19 Do you believe you knew what you were doing      20 at all times?      21 MR. ANDERSON: Objection. Form.      22 THE WITNESS: Maybe not -- I mean, checking      23 for a pulse, I don't believe I was an expert at      24 finding a pulse. I didn't know if it was adrenaline      25 or...</p>	<p>1 A. We were taught that in the Academy,      2 defensive tactics, that if there's a subject or      3 suspect on top of you, to scoot away or frame the      4 suspect away from you and scoot your hips out to      5 escape.      6 Q. Did you see anybody shrimping out that      7 night?      8 A. No.      9 Q. Are you able to give an estimate as to how      10 many seconds passed from the time you started      11 interacting with Tashi until the time you saw his      12 right arm?      13 A. So the time I arrived until I got his right      14 arm?      15 Q. Yeah.      16 A. 15, 20 seconds.      17 Q. As an officer, is there a policy, to your      18 knowledge, one way or the other of officers cursing      19 at suspects?      20 A. I know we're not supposed to. I don't know      21 if there's a specific policy.      22 Q. Why are you not supposed to?      23 A. Just not polite.      24 Q. Do you know what the word "animus" means?      25 A. No, I do not.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

22 (Pages 82 to 85)

<p style="text-align: right;">Page 82</p> <p>1       Q. Had you ever trained with Lopera before?      2       A. No.      3       Q. All right. Going to page 66 of your CIRT      4       statement. So question at line 14: "Okay, looking      5       back on this incident, is there anything you would      6       have done differently?" And what was your answer at      7       line 16?      8       A. "I should've started a CPR."      9       Q. And why did you say that?      10      A. In hindsight, when I realized Farmer passed      11     away, I should have started CPR.      12      Q. And was that right when you determined that      13     he had no pulse?      14      A. Yes.      15      MR. LAGOMARSINO: All right. Take our      16     lunch break. We'll go off the record.      17      THE VIDEOGRAPHER: We're going off the      18     record at approximately 12:17 p.m.      19      (A recess was taken from 12:17 p.m.      20                  to 1:18 p.m.)      21      THE VIDEOGRAPHER: We're going back on the      22     record. The time is approximately 1:18 p.m.      23      BY MR. LAGOMARSINO:      24      Q. Do you understand you're still under oath?      25      A. Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1       tell?      2       A. No.      3       Q. And you did not ask Lopera what level of      4       LVNR Tashi was in, correct?      5       A. No.      6       Q. That's correct, right?      7       A. Correct. I did not.      8       Q. Sorry.      9       A. Sorry.      10      Q. How many times have you personally used the      11     LVNR in the field?      12      A. I've never used it.      13      Q. Have you had the opportunity to use it and      14     chosen not to?      15      A. No.      16      Q. You're post certified, correct?      17      A. Yes.      18      Q. What was the outcome of your review board?      19      A. I was sustained for not having – turning      20     on my body camera.      21      Q. And on the charge for failure to intervene,      22     what happened with that?      23      A. They didn't find any violation of the duty      24     to intervene.      25      Q. The board excused your conduct with respect</p>
<p style="text-align: right;">Page 83</p> <p>1       Q. Before May 14 of 2017, you had been trained      2     on the duty to intervene, correct?      3       A. Yes.      4       Q. And you knew that if another officer was      5     violating the constitutional rights of a citizen,      6     that you had to intervene to stop that, correct?      7       A. Yes.      8       Q. And that would include even if there was an      9     officer that was senior in rank to you, you would      10    have a duty to intervene, correct?      11      A. Yes.      12      Q. Now, at the point that you observed Tashi      13     to be in LVNR, you did not know why Lopera put him in      14     an LVNR, correct?      15      A. Correct.      16      Q. Based on your knowledge, what level of      17     resistance would Tashi have had to have exhibited in      18     order to allow Officer Lopera to use the LVNR on him?      19      A. Aggressive.      20      Q. There are how many levels of the LVNR?      21      A. Three.      22      Q. Could you tell at that time what level      23     Lopera was using?      24      A. No.      25      Q. Even after watching the video, could you</p>	<p style="text-align: right;">Page 85</p> <p>1       to the intervening, correct?      2       A. Correct.      3       Q. How did you find out about the decision?      4       A. At the review board.      5       Q. Did they announce it verbally?      6       A. I believe so, yeah.      7       Q. Did anybody testify at the proceeding?      8       A. As in answer questions?      9       Q. Yes.      10      A. I did. Officer Crumrine, Officer Flores,      11     Officer Lift.      12      Q. What's Lift's first name?      13      A. Ashley.      14      Q. Are there two Lifts, to your knowledge?      15      A. I don't know. No.      16      Q. Do you know what documents were introduced      17     at the review board?      18      A. I can't remember. I don't recall.      19      Q. There was a PowerPoint?      20      A. Yes.      21      Q. What were the consequences for the body      22     camera issue for you?      23      A. Contact – a written contact.      24      Q. What does that mean?      25      A. That your sergeant spoke to you about</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

23 (Pages 86 to 89)

<p style="text-align: center;">Page 86</p> <p>1 operating your body camera, or -- the policy I      2 violated basically.      3 Q. And does that -- is that in writing or a      4 verbal?      5 A. It's in writing.      6 Q. And does that get removed from your file      7 after a certain amount of time?      8 A. A year.      9 Q. One year?      10 Do you wear corrective lenses?      11 A. Correct, yes.      12 Q. Were you wearing them that night?      13 A. Yes.      14 (Exhibit 5 was marked for      15 identification.)</p> <p>BY MR. LAGOMARSINO:</p> <p>17 Q. I'm handing you Exhibit 5, which is marked      18 P000052. It's a page from the autopsy report,      19 Alane M. Olson, M.D.      20 It says, "Cause of death: It is my opinion      21 that this 40-year-old black male, Tashii S. Brown,      22 died as a result of asphyxia due to police restraint      23 procedures."      24 Do you know of any reason -- strike that.      25 Do you disagree with that opinion?</p>	<p style="text-align: center;">Page 88</p> <p>1 rep with respect to this incident?      2 A. He was at my Use of Force Board. This      3 attorney was there the night of the incident.      4 Q. Okay. Did you talk to Bryan Yant before      5 the Use of Force Board?      6 A. No.      7 Q. Did you talk to him after?      8 A. After the Use of Force, yes.      9 Q. Okay. Did he advise you on certain things?      10 A. No.      11 Q. What did you talk to him about?      12 A. I don't recall. I mean, we talked      13 afterwards.      14 Q. And I don't want to misstate your      15 testimony, but did you state earlier that he spoke on      16 your behalf at the Use of Force Board?      17 A. He spoke for me, no.      18 Q. Did he speak about you?      19 A. I don't recall. I mean, he was my union      20 rep at the time.      21 Q. Do you recall him speaking at all?      22 A. Yes.      23 Q. And do you recall what he spoke about?      24 A. I don't, no.      25 Q. Did he speak to the Board in your presence?</p>
<p style="text-align: center;">Page 87</p> <p>1 MR. ANDERSON: Objection. Form.      2 THE WITNESS: I don't know enough to agree      3 or disagree.      4 (Exhibit 6 was marked for      5 identification.)</p> <p>BY MR. LAGOMARSINO:</p> <p>7 Q. Have you ever seen Exhibit 6 before?      8 A. No.      9 Q. This is the force investigation team      10 report. It is 35 pages.      11 I'm sorry, you said you may have?      12 A. I have never seen this, no.      13 Q. So I'll just ask a couple of questions      14 here.      15 Going to page 4 of 35. You list persons      16 involved here: Kenneth Lopera, Travis Crumrine,      17 Tashi Farmer.      18 You were also involved, correct?      19 A. Correct.      20 Q. Going to the next page, page 5 of 35. I      21 see where it says Collective Bargaining Associations.      22 A. Yes.      23 Q. So it shows Officer Bryan Yant, correct?      24 A. Yes.      25 Q. As you mentioned before, he was your union</p>	<p style="text-align: center;">Page 89</p> <p>1 A. Yes.      2 (Exhibit 7 was marked for      3 identification.)</p> <p>BY MR. LAGOMARSINO:</p> <p>5 Q. Did you know Bryan Yant's history with      6 officer-involved shootings?      7 A. Yes.      8 Q. I've handed you what's been marked as      9 Exhibit 7. It's an article from the Las Vegas      10 Review-Journal, September 21st, 2014, titled      11 Las Vegas Cop Behind Controversial Killing Now      12 Influential Union Leader.      13 The first sentences reads: "Detective      14 Bryan Yant was the face of incompetence at the      15 Metropolitan Police Department, a poster child for      16 wrongful shooting deaths and million-dollar payouts,      17 a driving force behind sweeping reforms to the      18 agency's deadly force policies."      19 Did you view him in that way?      20 A. No.      21 MR. ANDERSON: Object to the form.      22 BY MR. LAGOMARSINO:      23 Q. Then it says: "In other cities, an officer      24 who kills an unarmed man under suspicious      25 circumstances and is accused of lying to cover his</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

24 (Pages 90 to 93)

<p style="text-align: center;">Page 90</p> <p>1 tracks might be prosecuted. In Las Vegas, Yant kept      2 his job. And he's taken on a job that will make him      3 more influential at Metro."</p> <p>4 It says, "Part of Yant's duties include      5 advising officers in police shootings."</p> <p>6 Did Yant advise you at any time of      7 anything?</p> <p>8 A. Officer Yant was only at my Use of Force      9 Board. He was not there the night of the incident.</p> <p>10 Q. Did he ever advise you as to your rights at      11 the Use of Force Board or what to expect?</p> <p>12 A. He told me the process, yes.</p> <p>13 Q. It says, "He's a huge asset to the union,      14 Collins said. Bryan Yant lived through the hell of      15 being in a police shooting."</p> <p>16 Then the next page it says, quote: "When      17 he goes out in these situations, he can tell somebody      18 that's like biting a shit sandwich. You're not going      19 to like it, but you'll get through it."</p> <p>20 Did he say something like that to you or      21 something to that effect?</p> <p>22 A. No.</p> <p>23 Q. It says, "Yant has more experience with      24 police shootings than just about everyone at Metro."</p> <p>25 Is that your understanding?</p>	<p style="text-align: center;">Page 92</p> <p>1 A. No.      2 Q. It says, "Two years later, he shot and      3 wounded Melvin Gilchrist after mistaking a baseball      4 bat for a gun."</p> <p>5 Did you know about that incident?</p> <p>6 A. No.      7 Q. It says, "Both shootings had significant      8 problems, with Yant's version of the events failing      9 to match either evidence at the scene or witness      10 testimony."</p> <p>11 And then the article goes into the shooting      12 of Trevon Cole.</p> <p>13 Did you ever hear about the shooting of      14 Trevon Cole?</p> <p>15 A. Yes.</p> <p>16 Q. When did you first hear about that?</p> <p>17 A. Around the same time of Officer Yant's      18 officer-involved shootings.</p> <p>19 Q. Did you ask Officer Yant about his      20 officer-involved shootings?</p> <p>21 A. No.</p> <p>22 Q. Going back to the FIT report. So going to      23 page 10 of 35. So I think you are aware of this, but      24 I'll just make it clear for the record. The times      25 here are the times on Officer Lopera's body cam. If</p>
<p style="text-align: center;">Page 91</p> <p>1 A. I didn't -- no, I don't know anything about      2 that.</p> <p>3 Q. It says, "Most police officers never fire      4 their weapons, but Yant shot three people, killing      5 two men and wounding a third, in his first ten years      6 on the job."</p> <p>7 At the time that he was with you at the Use      8 of Force Board, do you know his history in that      9 regard?</p> <p>10 A. No.</p> <p>11 Q. It says, "He shot and killed Richard Travis      12 Brown after a foot pursuit in 2001."</p> <p>13 Did you know about that incident?</p> <p>14 A. Not at the time, no.</p> <p>15 Q. When did you first learn about that      16 incident?</p> <p>17 A. I didn't know Officer Yant's history until      18 way after the Use of Force. I don't know a time      19 frame. Months later.</p> <p>20 Q. Who told you about his history?</p> <p>21 A. To be frank, I don't know. It was just      22 brought up.</p> <p>23 Q. After you learned, did you learn that he      24 had killed Richard Travis Brown, who I think was also      25 called the Candy Bar Robber?</p>	<p style="text-align: center;">Page 93</p> <p>1 you could go to page 7.      2 I'll just read it. It says, "Officer      3 Lopera was wearing a body-worn camera at the time of      4 the incident. The camera was activated at 00:54:14      5 on 5/14/17. The camera was collected by Sergeant      6 MacDonald and secured. The video footage captured      7 was later viewed by detectives."</p> <p>8 And then it says, "Officer Lopera's camera      9 footage depicted the following."</p> <p>10 So that's going to be seconds to the right      11 of the colon and then minutes to the left of the      12 colon. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. All right. So it says -- going back to      15 page 10, at 3 minutes 25 seconds in, it says:      16 "Officer Tran arrived and said, "Let him go, Ken."</p> <p>17 I know you've already stated that you did      18 not say "Let him go, Ken," but do you dispute that      19 that's the time that you arrived, or do you know?</p> <p>20 A. I didn't arrive at that time because I      21 never said, "Let him go, Ken."</p> <p>22 Q. Okay. And I'm aware of your testimony that      23 you said -- and I think Officer Crumrine said the      24 same thing, that he said, "Let him go, Ken."</p> <p>25 My question is not whether you said it, but</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

25 (Pages 94 to 97)

<p style="text-align: center;">Page 94</p> <p>1 do you know if you were there when it was said?</p> <p>2 A. I don't recall hearing any of this</p> <p>3 conversation when I arrived, so I don't believe I was</p> <p>4 there.</p> <p>5 Q. Now, two seconds later, it says, "Officer</p> <p>6 Lopera stated, 'Roll him to -- hold on. Don't grab</p> <p>7 my fucking legs."</p> <p>8 You do have a recollection of that,</p> <p>9 correct?</p> <p>10 A. Correct. That I remember.</p> <p>11 Q. So at least as of two seconds after the</p> <p>12 "Let him go, Ken," you were there, correct?</p> <p>13 A. I do recall him say, "Don't grab my fucking</p> <p>14 legs." So you're asking me, I was there at that</p> <p>15 moment?</p> <p>16 Q. You were there when he said, "Don't grab my</p> <p>17 fucking legs," right?</p> <p>18 A. Correct.</p> <p>19 Q. And then it says, "Officer Tran stated</p> <p>20 'We're on top of him.'"</p> <p>21 Did you say that, or do you know?</p> <p>22 A. I don't recall saying that.</p> <p>23 Q. And not to suggest -- I'm just trying to</p> <p>24 make a clear record. You don't recall saying it, or</p> <p>25 you don't know if you said it, or you just deny</p>	<p style="text-align: center;">Page 96</p> <p>1 reviewing video footage?</p> <p>2 A. Well, the line, "When Officer Lopera</p> <p>3 loosened up on the LVNR, Farmer was able to be placed</p> <p>4 in handcuffs," to this day now, I realize he was</p> <p>5 placed in handcuffs, and then I said loosen up. And</p> <p>6 I observed Farmer unconscious, and I said loosen up.</p> <p>7 Q. So when you placed him in the handcuffs, he</p> <p>8 was still in the LVNR, and that's when you said</p> <p>9 loosen up?</p> <p>10 A. Correct. After I had the -- I placed the</p> <p>11 handcuffs on Mr. Farmer. I looked down and observed</p> <p>12 he was unconscious. I told Officer Lopera to loosen</p> <p>13 up, and he released the hold.</p> <p>14 Q. Are you familiar with the term "rescue</p> <p>15 breathing"?</p> <p>16 A. I'm not.</p> <p>17 (Exhibit 8 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. Exhibit 8 is just an article that we</p> <p>21 printed from online. It looks like it's written by</p> <p>22 somebody who says they're an EMT.</p> <p>23 But I want to go ahead and ask you if you</p> <p>24 agree or disagree with some of the statements in</p> <p>25 here, okay?</p>
<p style="text-align: center;">Page 95</p> <p>1 saying it?</p> <p>2 A. More -- I'm leaning more towards I don't</p> <p>3 recall, and I deny saying it as well.</p> <p>4 Q. Okay. Can you please turn to page 25 of</p> <p>5 35. Go ahead and -- do you have a pen there still?</p> <p>6 A. Yes.</p> <p>7 Q. So there's a summary written by whoever</p> <p>8 wrote this document of what you said in a recorded</p> <p>9 statement. We can probably go to the recorded</p> <p>10 statement to verify, but what I would like to have</p> <p>11 you do is read this to yourself, and then underline</p> <p>12 anything that you feel is inaccurate under your name.</p> <p>13 A. So this paragraph?</p> <p>14 Q. Yes, sir.</p> <p>15 A. This appears accurate.</p> <p>16 MR. ANDERSON: Could I just clarify, Andre.</p> <p>17 Are you asking him whether this is accurate as to</p> <p>18 what he told FIT, or whether it's accurate as to his</p> <p>19 memory today? Does that make sense?</p> <p>20 MR. LAGOMARSINO: Correct. Okay. So let</p> <p>21 me rephrase.</p> <p>22 BY MR. LAGOMARSINO:</p> <p>23 Q. Is there anything inaccurate in this</p> <p>24 paragraph as you recall the incident today? Either</p> <p>25 through your personal being there or through</p>	<p style="text-align: center;">Page 97</p> <p>1 So it says: "A study of CPR patients in</p> <p>2 Arizona found that gasping breaths (often called</p> <p>3 agonal respirations) are common soon after cardiac</p> <p>4 arrest."</p> <p>5 Do you know what gasping breaths are in</p> <p>6 relation to agonal respirations?</p> <p>7 A. I'm assuming somebody struggling to</p> <p>8 breathe, but I don't know the term.</p> <p>9 Q. So next thing it says, "When it doubt do</p> <p>10 CPR."</p> <p>11 It says, "If you're looking at a person who</p> <p>12 can't wake up and aren't sure if he is breathing, he</p> <p>13 probably isn't."</p> <p>14 Do you agree with that?</p> <p>15 MR. ANDERSON: Objection. Form.</p> <p>16 THE WITNESS: I'm not an EMT, but I'm not</p> <p>17 sure if I agree or disagree. I don't know.</p> <p>18 BY MR. LAGOMARSINO:</p> <p>19 Q. It says, "When the heart stops pumping hard</p> <p>20 enough to get blood all the way from the lungs to the</p> <p>21 brain and back, we call it cardiac arrest."</p> <p>22 Is that your understanding?</p> <p>23 MR. ANDERSON: Objection. Form.</p> <p>24 THE WITNESS: Yes.</p> <p>25</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

26 (Pages 98 to 101)

Page 98	Page 100
<p>1 BY MR. LAGOMARSINO:      2 Q. "Trained rescuers recognize cardiac arrest      3 by feeling the patient's carotid pulse (located on      4 the side of the neck.)"      5 Do you agree with that?      6 MR. ANDERSON: Objection. Form.      7 THE WITNESS: Yes.</p> <p>8 BY MR. LAGOMARSINO:      9 Q. Are you a trained rescuer by Metro?      10 A. I'm CPR certified, and I don't know the      11 definition of trained rescuer.      12 Q. You are CPR certified, correct?      13 A. In the Academy I was, yes.      14 Q. It says, "If there's enough blood flowing      15 by on the way to the brain, there will be a pulse."      16 Is that your understanding?      17 A. Yes.      18 Q. Do you recall seeing Tashi gasping?      19 A. I do not.      20 Q. Are you able to recite the standard under      21 the Fourth Amendment to the United States      22 Constitution with respect to how much force a police      23 officer can use in making an arrest?      24 A. How much force?      25 Q. Yes.</p>	<p>1 decision to use the LVNR?      2 BY MR. LAGOMARSINO:      3 Q. To kill Tashi?      4 MR. ANDERSON: Objection. Form.      5 THE WITNESS: I don't understand the      6 question.      7 BY MR. LAGOMARSINO:      8 Q. What don't you understand about the      9 question?      10 A. You're asking me if I thought Lopera should      11 have used LVNR to kill the person?      12 Q. Right.      13 A. I wasn't there at the time the force was      14 used. I'm not sure what you're...      15 Q. Yes or no?      16 MR. ANDERSON: Objection. Form.      17 MR. MCNUTT: Same.      18 THE WITNESS: I don't know how to answer      19 the question. Can you repeat the question one more      20 time, please?      21 BY MR. LAGOMARSINO:      22 Q. Sure. No problem.      23 At the time, as an officer arriving on the      24 scene, did you believe at that time that Lopera was      25 authorized to use the LVNR for purposes of deadly</p>
<p>1 A. Objectively reasonable to the police      2 officer.      3 Q. At Metro, you were trained on how not to      4 violate a suspect's constitutional rights, correct?      5 MR. ANDERSON: Objection. Form.      6 THE WITNESS: Correct.</p> <p>7 BY MR. LAGOMARSINO:      8 Q. As a police officer at the time, did you      9 believe that a police officer could use the LVNR to      10 kill somebody?      11 MR. ANDERSON: Objection. Form.      12 THE WITNESS: Could you repeat the      13 question? I'm sorry.</p> <p>14 BY MR. LAGOMARSINO:      15 Q. Sure. Did you believe that, in general, a      16 police officer can use the LVNR to kill somebody?      17 A. The LVNR does fall under deadly force.      18 Aggravated aggressive resistance.      19 Q. So yes?      20 A. Yes.      21 Q. Did you believe at the time that Lopera was      22 allowed to use the LVNR to kill Tashi?      23 MR. ANDERSON: Objection. Form.      24 THE WITNESS: Did I believe at the time      25 Lopera had reasonable – an objectively reasonable</p>	<p>1 force on Tashi?      2 MR. ANDERSON: Objection. Form.      3 THE WITNESS: I didn't know enough facts or      4 circumstances at the time to determine that.      5 BY MR. LAGOMARSINO:      6 Q. You never criticized Officer Lopera,      7 correct?      8 MR. ANDERSON: Objection. Form.      9 MR. LAGOMARSINO: Strike that.      10 BY MR. LAGOMARSINO:      11 Q. You never criticized Officer Lopera's      12 conduct at the scene, correct?      13 A. No.      14 Q. Let me give you a hypothetical question.      15 So if you're on patrol and – let me start over.      16 I'm just giving you these facts. If you      17 want more clarification feel free to ask.      18 So you're on patrol. A person approaches      19 you and says where's a drinking fountain, and then      20 starts running away from you. Are you allowed to      21 arrest the person based on those facts?      22 MR. ANDERSON: Objection. Form.      23 THE WITNESS: Arrest?      24 BY MR. LAGOMARSINO:      25 Q. Right.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

27 (Pages 102 to 105)

<p style="text-align: center;">Page 102</p> <p>1        A. I don't believe there's enough for an      2        arrest. I believe there's enough -- I mean, I would      3        have to see more, you know, what the body language,      4        what he was -- why he needed the water. I mean,      5        people ask for me directions all the time, and before      6        I say anything they just start walking away. I don't      7        think that's enough. But body language, sweating,      8        bloodshot eyes, there's a lot more.      9        Q. There's a lot of people with bloodshot eyes      10      on the Strip on the weekend, right?      11      A. Yep, that's too.      12      Q. And unless you see more, you're not      13      arresting them, correct?      14      A. No.      15      Q. Now, when you told Ken Lopera to stop, did      16      you tell him to stop because you believed that he was      17      violating Tashi's constitutional rights?      18      MR. MCNUTT: Objection. Form.      19      MR. ANDERSON: Join.      20      THE WITNESS: I told him loosen up because      21      I observed Mr. Farmer unconscious and he was already      22      in custody, so there was no -- there's no need to      23      have the restraint on him.      24      BY MR. LAGOMARSINO:      25      Q. Did you, I guess my question is -- I'll</p>	<p style="text-align: center;">Page 104</p> <p>1        three levels of control for the LVNR?      2        Going to number 3, the use of the LVNR      3        impedes flood flow to and from the brain, true or      4        false?      5        Number 4, if rendered unconscious, then      6        subject is generally -- sorry. If rendered      7        unconscious, the subjects generally revive in 5 to      8        20 seconds, true or false.      9        5, true or false, the neck brace principle      10      refers to the fact that the subject's neck is      11      prevented from moving forward or laterally when being      12      restrained by the LVNR, true or false?      13      And 6, the hand of the encircling arm must      14      be palm down, true or false.      15      Go ahead and just finish 7, 8, 9 and 10.      16      All right. And then just under name, can      17      you write your name, please, at the top.      18      (Exhibit 10 was marked for      19      identification.)      20      BY MR. LAGOMARSINO:      21      Q. So Exhibit 10 are going to be screenshots      22      from Lopera's body cam. I'm going to just ask just a      23      couple of questions on whether you can identify      24      people in certain pictures.      25      So on the first page, are you able to --</p>
<p style="text-align: center;">Page 103</p> <p>1        withdraw the question.      2        (Exhibit 9 was marked for      3        identification.)      4      BY MR. LAGOMARSINO:      5        Q. So Exhibit 9 is an LVNR test. The second      6        page is the answers.      7        Don't look at the answers.      8        MR. MCNUTT: Do you want to make that 10?      9        MR. LAGOMARSINO: We'll get to that.      10      BY MR. LAGOMARSINO:      11      Q. So what I would ask you is to grab your      12      pen, and can you go ahead and write in what are the      13      four physiological factors that establish control for      14      the LVNR.      15      MR. MCNUTT: I'll just object to this line      16      of questioning. Depositions are not tests for      17      witnesses, but...      18      MR. ANDERSON: Join.      19      BY MR. LAGOMARSINO:      20      Q. You can go ahead and write it down.      21      MR. ANDERSON: If he gets it right, he      22      better get a T-shirt.      23      THE WITNESS: I don't know.      24      BY MR. LAGOMARSINO:      25      Q. All right. Going to number 2, what are the</p>	<p style="text-align: center;">Page 105</p> <p>1        MR. MCNUTT: Andre, just for clarification,      2        have these been produced, or are these screenshots      3        that you printed from the videos?      4        MR. LAGOMARSINO: These are videos that      5        have been produced by Metro, and these are      6        screenshots printed from video.      7        MR. MCNUTT: Okay.      8      BY MR. LAGOMARSINO:      9        Q. All right. Are you able to identify      10      anybody on the first page?      11      MR. MCNUTT: Are these -- I have another      12      question. Are these all from one body-worn camera,      13      or are they from various officers' body-worn cameras?      14      MR. LAGOMARSINO: These are all from the      15      same body camera. You'll see 468(35).      16      MR. MCNUTT: So this whole exhibit is from      17      one body-worn camera, one officer's body-worn camera?      18      MR. LAGOMARSINO: It's from Officer      19      Lopera's body-worn camera.      20      MR. MCNUTT: Okay.      21      THE WITNESS: I'm sorry, what am I doing      22      now?      23      BY MR. LAGOMARSINO:      24      Q. We're going to go through and see if you      25      can identify some of these people for us.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

28 (Pages 106 to 109)

	Page 106		Page 108
	Page 107		Page 109
1	And then as we go through, if you don't	1	BY MR. LAGOMARSINO:
2	mind just writing down page numbers.	2	Q. Going to 7 at 6:08, does that appear to be
3	So we're on page 1. Do you recognize	3	Rybacki in front of you?
4	anybody there?	4	A. Yes.
5	A. I think that's Flores.	5	Q. Sorry, is that Rybacki in front of the
6	Q. Okay. So can you just go ahead -- you can	6	camera?
7	write on the exhibit.	7	A. Yes.
8	A. Like circle them and then...	8	Q. And then walking towards the camera is
9	Q. Yeah.	9	Flores?
10	A. (Witness complies.)	10	A. Correct.
11	Q. And then just as we're going through, so we	11	Q. Are you able to tell who the female is on
12	have a clear record, if you can write the page	12	the ground?
13	numbers. So that will be page 1.	13	A. I cannot.
14	A. Okay.	14	Q. At 6:23, it appears to be Flores in front
15	Q. Going to page 2, it looks like at 4:37 into	15	of the camera, correct?
16	the camera, what have you written down?	16	A. Yes.
17	A. Santana.	17	Q. All right. At 6:45, are you able to
18	Q. That's the gentleman looking at the camera?	18	identify anybody?
19	A. Yes.	19	A. No.
20	Do I need to circle Flores again if I	20	Q. Are you able to -- does it appear that
21	already wrote that it was Flores?	21	Tashi Farmer is still handcuffed?
22	Q. Yeah. I'm sorry, Flores.	22	A. Yes.
23	A. (Witness complies.)	23	Q. 6:46, page 10, it looks like we've got
24	Q. Going to 4:37 again. So you've identified	24	Flores there, correct?
25	Santana and Flores again?	25	A. Are you asking? Yes. I'm sorry.
1	A. Yes.	1	Q. And then does it appear that you're in the
2	Q. Does it look like you kind of bending over?	2	crosswalk there? Or is that not --
3	A. Yes.	3	A. Yes. This is me right here.
4	Q. Are you able to tell without seeing the	4	Q. We've got the next page, Flores again.
5	actual video what's actually going on here?	5	A. Correct.
6	A. They were checking him for pulse or -- no,	6	Q. And page 12, that's Lift?
7	I can't tell.	7	A. Yes.
8	Q. So going to 5:08, does that appear to be	8	Q. And going on to page 13, are you able to
9	Crumrine?	9	see the female officer holding onto Tashi Farmer's
10	A. Yes. Do you want me to write Crumrine?	10	head?
11	Can I just circle his name?	11	A. Yes. I make it out, yes.
12	Q. Yes.	12	Q. And this is at 7:13, correct? On the
13	MR. MCNUTT: His name tag kind of gives it	13	camera?
14	away.	14	A. Yes.
15	BY MR. LAGOMARSINO:	15	Q. Still by 7:13, there's no CPR or chest
16	Q. Going to number 5. So Crumrine was on 4.	16	compressions being performed, correct?
17	Going to 5 at 5:47. Are you able to tell who is who?	17	MR. ANDERSON: Objection. Form.
18	A. I can't.	18	THE WITNESS: Yes.
19	Q. Okay. Going to 6 at 5:49, are you able to	19	BY MR. LAGOMARSINO:
20	tell who's who?	20	Q. Going to 7:22. Again, do you see the
21	A. I think that's Flores again.	21	female officer holding the head that way?
22	Q. Okay.	22	A. Yes.
23	MR. MCNUTT: Which one is Flores? Can you	23	Q. Why is his head being held that way?
24	just point to it so I can see? Oh, on the right?	24	A. If I recall correctly, the officer behind
25	Okay.	25	him is the one that starts chest compressions. But I

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

29 (Pages 110 to 113)

<p style="text-align: center;">Page 110</p> <p>1 don't know what he's doing at this moment.      2 Q. Okay. Going to the next page, which is 15,      3 do you remember Lopera giving a thumbs up on this      4 body cam footage?      5 MR. MCNUTT: Objection. Form.      6 THE WITNESS: I don't recall.      7 BY MR. LAGOMARSINO:      8 Q. Going to page 16, now it's 7:25. Is Tashi      9 still on his side being held by the female officer?      10 MR. MCNUTT: Objection. Form.      11 THE WITNESS: Is she holding his head? Is      12 that what you're asking?      13 BY MR. LAGOMARSINO:      14 Q. Yes.      15 A. Yes.      16 Q. 7:29, same question. Is the female officer      17 holding his head on the side?      18 A. Yes.      19 Q. Same question at 7:36, is the female      20 officer holding his head on the side?      21 A. No. It looks like her hand is on the      22 floor.      23 Q. Do you see Crumrine in that shot on      24 page 18?      25 A. On page 18 or 19? Yes.</p>	<p style="text-align: center;">Page 112</p> <p>1 Q. Skip the next, 20. Going to page 21 at      2 9:06, still compressions have not started, correct?      3 A. Correct.      4 Q. And then at 22, 9:14 timestamp,      5 compressions have still not started, correct?      6 A. Correct.      7 Q. All right. Do the pictures that we've      8 discussed appear to you to truly and accurately      9 depict stills of the video footage that you watch      10 from Officer Lopera's body cam?      11 MR. MCNUTT: Objection. Form.      12 MR. ANDERSON: Objection.      13 THE WITNESS: I've actually not watched      14 this portion of his body camera. The only portion I      15 watched was when he was still on the ground with      16 Mr. Farmer. I was never shown this.      17 MR. LAGOMARSINO: Okay. All right. We'll      18 go to Exhibit 11.      19 (Exhibit 11 was marked for      20 identification.)      21 BY MR. LAGOMARSINO:      22 Q. I've handed you two photos from a different      23 body cam. Body cams that we received were not      24 identified by officer, so we were just referring to      25 them by number. We'll send the interrogatory to</p>
<p style="text-align: center;">Page 111</p> <p>1 Q. So – I'm sorry, just for the record, on      2 page 18 – I'm probably numbering them wrong on my      3 own page.      4 MR. MCNUTT: Can you give a timestamp,      5 please?      6 MR. LAGOMARSINO: Yeah. Can you let me      7 finish? I'm trying to get there.      8 BY MR. LAGOMARSINO:      9 Q. I've got page 16 at 7:25. Is that --      10 A. Yeah. I'm not there.      11 Q. So we've got 16 at 7:25; 17 at 7:29; 18 at      12 7:36.      13 So at 18 you'll see Crumrine, correct?      14 A. Yes.      15 Q. And is that Flores to the left of Crumrine?      16 A. Yes.      17 Q. 19 at 7:40 timestamp, it appears that      18 compressions still have not started, correct?      19 MR. ANDERSON: Objection. Form.      20 THE WITNESS: Yes.      21 BY MR. LAGOMARSINO:      22 Q. And are you basing that because      23 compressions don't start until he's out of his      24 handcuffs and on his back, correct?      25 A. Correct.</p>	<p style="text-align: center;">Page 113</p> <p>1 counsel to identify whose is whose.      2 But this is from camera 468(13). Can you      3 identify the person depicted in this shot?      4 A. Yes.      5 Q. Who is that?      6 A. Officer Serrano.      7 Q. Is he on your squad?      8 A. Not currently.      9 Q. Was he on your squad that night?      10 A. I believe so.      11 Q. And again, the next page we have Flores,      12 correct?      13 A. Correct.      14 MR. LAGOMARSINO: Okay. All right. We're      15 going to just take about a five-minute break, and      16 then we'll start to get into a few of the videos.      17 MR. MCNUTT: Andre, so you don't know whose      18 body-worn camera this one was, right?      19 MR. LAGOMARSINO: Correct.      20 MR. MCNUTT: And no timestamps on the first      21 page?      22 MR. LAGOMARSINO: Correct.      23 MR. MCNUTT: Okay.      24 THE VIDEOGRAPHER: We're going off the      25 record at approximately 2:05 p.m.</p>

**Officer Michael Tran ~ December 18, 2018**  
**\* \* \* Videotaped Deposition \* \* \***

30 (Pages 114 to 117)

Page 114	Page 116
<p>1                   (A recess was taken from 2:05 p.m.    2                   to 2:13 p.m.)</p> <p>3         THE VIDEOGRAPHER: We're going back on the    4         record at approximately 2:13 p.m.</p> <p>5     BY MR. LAGOMARSINO:</p> <p>6         Q. Do you understand you're still under oath?    7         A. Yes.</p> <p>8         Q. Can I ask you some questions about some of    9         these videos. You may or may not have seen portions,    10       as you've already testified to, but I'm going to see    11       if some of this refreshes your recollection, or if    12       you have any personal knowledge based on what's    13       represented there. Okay?</p> <p>14       So the first video record is 468(35). And    15       I'll represent this is Lopera's body cam footage. So    16       we're at 3:06 on the timestamp, so we'll go ahead and    17       press play.</p> <p>18       (Playing video.)</p> <p>19     BY MR. LAGOMARSINO:</p> <p>20         Q. So as we discussed already, there's    21         somebody that says, "Let him go, Ken." He says, "Are    22         you sure," and then he says "Yeah."</p> <p>23         And it's your testimony that's not you,    24         correct?</p> <p>25         A. Correct.</p>	<p>1                   A. I was trying to key up at the same time,    2                   but that was Flores' traffic.</p> <p>3         Q. All right. Let's go through it.    4                   (Playing video.)</p> <p>5         MR. LAGOMARSINO: Let's go back to 3:10.    6                   (Playing video.)</p> <p>7         MR. LAGOMARSINO: Press pause.</p> <p>8     BY MR. LAGOMARSINO:</p> <p>9         Q. So the siren ends at about 3:14, correct?    10       On the timestamp?</p> <p>11         A. Correct.    12                   (Playing video.)</p> <p>13     BY MR. LAGOMARSINO:</p> <p>14         Q. Based on the time that the sirens stopped    15         at about 3:13, I'm assuming you then just got out of    16         the vehicle and went to the scene. Do you believe    17         that you were able to get to the scene within    18         10 seconds?</p> <p>19         A. Yes.</p> <p>20         Q. Okay.    21                   (Playing video.)</p> <p>22     BY MR. LAGOMARSINO:</p> <p>23         Q. We're at 4:14 for the record.    24         What's going on just before 4:14 that we    25         just watched?</p>
Page 115	Page 117
<p>1         MR. LAGOMARSINO: All right. Let's press    2         play.</p> <p>3                   (Playing video.)</p> <p>4     BY MR. LAGOMARSINO:</p> <p>5         Q. So you were present for that, correct?    6         A. Yes.</p> <p>7         Q. Having now watched the video, do you    8         believe you were present when he said, "Let him go,    9         Ken," two seconds earlier?</p> <p>10       A. So if you play it back, and you hear the    11       car radio say, "The rear of the Venetian," that's us    12       exiting the vehicle saying we're in the rear of the    13       Venetian.</p> <p>14         Q. Okay.</p> <p>15         A. So it happens simultaneous, so I don't    16         know.</p> <p>17         Q. Okay. That's helpful.</p> <p>18         All right. So let's go back to 3:20. So    19         before we press play, that siren and the car coming    20         and then the siren getting shut off is your car or    21         your vehicle, correct?</p> <p>22         A. Correct.</p> <p>23         Q. And then you said there was something about    24         being at the rear of the Venetian. Is that your    25         voice or Flores?</p>	<p>1                   A. It looks like we were putting handcuffs on    2         him.</p> <p>3         Q. Okay.    4                   (Playing video.)</p> <p>5     BY MR. LAGOMARSINO:</p> <p>6         Q. All right. When he says, "Move, move,    7         thank you," what was going on there? It appears,    8         just for the record, that it's at this point just    9         before 4:21 that Lopera disengages; is that correct?</p> <p>10         A. Correct.</p> <p>11         Q. So Lopera has released him at this point;    12         is that your understanding?</p> <p>13         A. Yes.</p> <p>14         Q. And then he steps away?</p> <p>15         A. And then he what?</p> <p>16         Q. And then he steps away, correct?</p> <p>17         A. Yes.</p> <p>18         Q. Is that the barrier you're talking about?</p> <p>19         A. Yes.</p> <p>20         Q. At 4:22. Okay.    21                   (Playing video.)</p> <p>22     BY MR. LAGOMARSINO:</p> <p>23         Q. At 4:36, we looked at some stills that may    24         resemble this. Is that Flores there in the green?</p> <p>25         A. Yes.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

31 (Pages 118 to 121)

Page 118	Page 120
<p>1       Q. And we can't see you or see you clearly at      2       this point, correct?      3       A. No.      4       Q. All right.      5           (Playing video.)      6       BY MR. LAGOMARSINO:      7       Q. So a few seconds ago we heard "roll      8       medical." Was that Lopera?      9       A. I believe so.      10      Q. Okay. All right.      11           (Playing video.)      12       BY MR. LAGOMARSINO:      13      Q. At 5:45, does it appear that medical is      14       being rendered at this point?      15      A. Not in the form of chest compressions. I'm      16       not sure what they're doing.      17           (Playing video.)      18       MR. LAGOMARSINO: I want to get Crumrine in      19       the shot with a frame by frame. Frame by frame.      20           (Playing video.)      21       BY MR. LAGOMARSINO:      22      Q. Does it appear that at 6:33 that's Crumrine      23       kind of near the crosswalk area?      24      A. Yes.      25           (Playing video.)</p>	<p>1       wipes and putting them on your hands?      2       A. Yes.      3       Q. Is that because at this point you feel like      4       your involvement in resuscitating him or rendering      5       aid to him is complete?      6       A. The scene is static, and I was just making      7       sure my hands were -- there's nothing contagious on      8       my hands.      9       Q. Right. I mean, did you believe at that      10      point that you were going to get back involved?      11      A. The scene is static. I mean, we asked for      12       medical, we're waiting for medical to arrive. There      13       was -- I'm not a medical practitioner, so I didn't      14       know what else to do.      15      Q. Okay.      16           (Playing video.)      17       MR. LAGOMARSINO: Going to the next video      18       on the same disc. So for the record it's UOFLVNR2.      19       It's a three-minute video.      20       And this is not, I don't believe this is      21       Lopera's footage, but I want to ask you some      22       questions about it, okay?      23           (Playing video.)      24       BY MR. LAGOMARSINO:      25      Q. Is that your body cam?</p>
<p>1       BY MR. LAGOMARSINO:      2       Q. At 6:43, is that you standing next to      3       Crumrine?      4       A. Yes.      5           (Playing video.)      6       BY MR. LAGOMARSINO:      7       Q. We heard somebody say, "I think he's still      8       out." Does that appear to be Lopera to you?      9       A. I actually missed that. I didn't hear it.      10      MR. LAGOMARSINO: Let's go back five      11       seconds.      12           (Playing video.)      13       BY MR. LAGOMARSINO:      14      Q. "I think he's still out," does that appear      15       to be Lopera's voice to you?      16      A. I believe so, yeah. Can you play it one      17       more time? I actually keep missing it.      18      MR. LAGOMARSINO: Let's go to 6:40, Denise.      19           (Playing video.)      20      THE WITNESS: Yeah, it sounds like Lopera's      21       voice.      22           (Playing video.)      23       BY MR. LAGOMARSINO:      24      Q. Now, we have other videos, too, but do you      25       see yourself at this point just taking out the hand</p>	<p>1       A. Yes.      2       Q. So let's start from the beginning and watch      3       it all the way through.      4       So just for the record, can you drag that      5       video down a little bit so I can see the title. So      6       it's UOFLVNR2.      7       But based on what we've seen it appears to      8       be your body cam, correct?      9       A. Yes.      10          (Playing video.)      11       BY MR. LAGOMARSINO:      12      Q. I hear you say, "I don't show any," but I      13       can't make out exactly what you're saying.      14      A. I think I say, "I don't know, Bro. I don't      15       feel a pulse," but I don't know.      16          (Playing video.)      17       BY MR. LAGOMARSINO:      18      Q. So now we're at one minute in. Have you      19       asked for medical yet?      20      A. I already asked for medical.      21      Q. Was that audible on the recording? I don't      22       know, I didn't hear it.      23      A. It was.      24      Q. Okay. Where did you -- let's go back and      25       start it at about 30 seconds.</p>

**Officer Michael Tran ~ December 18, 2018**  
**\* \* \* Videotaped Deposition \* \* \***

32 (Pages 122 to 125)

<p style="text-align: center;">Page 122</p> <p>1 A. It was before this.      2 Q. Oh, okay. You can't hear it on the video,      3 correct?      4 A. Correct.      5 Q. All right.      6 (Playing video.)      7 BY MR. LAGOMARSINO:      8 Q. Who is saying "block that street?" Is that      9 you?      10 A. No. That's Officer Young.      11 Q. Then why do you go back to your car or your      12 vehicle?      13 A. Because my vehicle is blocking an ingress      14 for FT.      15 (Playing video.)      16 BY MR. LAGOMARSINO:      17 Q. So here at 1:55, there's just a search      18 going on, correct?      19 A. Correct.      20 (Playing video.)      21 BY MR. LAGOMARSINO:      22 Q. And it's at this point I think in the      23 screen at 2:04 you've got the anti-bacterials,      24 correct?      25 A. Correct.</p>	<p style="text-align: center;">Page 124</p> <p>1 anything, and still no chest compressions, correct?      2 MR. MCNUTT: Objection. Form.      3 MR. ANDERSON: Join.      4 THE WITNESS: Correct. But I asked Officer      5 Crevettes if he found the pulse, and he nodded in the      6 camera, in the video.      7 BY MR. LAGOMARSINO:      8 Q. Okay. All right. And based on your      9 training, you think just the pulse is enough to not      10 do any chest compressions or resuscitation, correct?      11 MR. ANDERSON: Objection. Form.      12 THE WITNESS: Based on my training, I      13 believe so.      14 MR. LAGOMARSINO: All right. That was      15 Exhibit 12. So just for the record, I know you guys      16 have these, but it's Exhibit 12 that has those two      17 videos.      18 (Exhibit 12 was marked for      19 identification.)      20 MR. LAGOMARSINO: Let's go to Exhibit 13,      21 which is 468(13).      22 MR. MCNUTT: And we don't know who this      23 is?      24 MR. LAGOMARSINO: Just again, Counsel,      25 Metro produced this body camera footage videos. They</p>
<p style="text-align: center;">Page 123</p> <p>1 (Playing video.)      2 BY MR. LAGOMARSINO:      3 Q. Who is the individual in the green in      4 between the two officers?      5 MR. ANDERSON: Officer Crevettes      6 (phonetic).      7 BY MR. LAGOMARSINO:      8 Q. Do you know who the other two officers      9 are?      10 A. The male officer is Officer Amburgey. I      11 don't know the -- that's his field training trainee.      12 (Playing video.)      13 BY MR. LAGOMARSINO:      14 Q. Do you know why it was the field training      15 officer that was the one to do the chest      16 compressions?      17 A. I don't know.      18 Q. Did you ever hear if he was using it as a      19 training exercise for the trainee?      20 MR. ANDERSON: Object to the form.      21 THE WITNESS: I don't know. No.      22 (Playing video.)      23 BY MR. LAGOMARSINO:      24 Q. So at least on your camera, over two      25 minutes passed after you said you don't feel</p>	<p style="text-align: center;">Page 125</p> <p>1 didn't identify which officer was which, but they      2 individually identified by number. And so we're      3 going to be sending an interrogatory to Metro, and      4 they'll tell us whose this camera is.      5 (Playing video.)      6 BY MR. LAGOMARSINO:      7 Q. I just want to be clear on something,      8 Mr. Tran. Is it your testimony that Metro does not      9 train you to perform CPR on an individual who has an      10 LVNR applied to him if he's unresponsive?      11 MR. ANDERSON: Objection. Form.      12 THE WITNESS: We're trained in the LVNR.      13 We're trained in CPR in the Academy.      14 BY MR. LAGOMARSINO:      15 Q. Okay.      16 A. If the subject is rendered unconscious, we      17 call for medical.      18 Q. Okay. So if the LVNR goes bad, you have to      19 wait until whenever medical comes to figure out      20 what's going to happen?      21 MR. ANDERSON: Objection. Form.      22 THE WITNESS: I mean, there's no policy      23 that says we have to wait or we have to start      24 compressions. I don't know.      25 (Playing video.)</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

33 (Pages 126 to 129)

<p style="text-align: center;">Page 126</p> <p>1 BY MR. LAGOMARSINO:      2 Q. So let's back it up five seconds. So      3 there's a few conversations here. I want to ask you      4 who's talking right now right there.      5 So pause at 4:07. Who is that in the      6 screen?      7 A. Right there, right in front?      8 Q. Yes, sir.      9 A. Officer Serrano.      10 Q. Okay.      11 (Playing video.)      12 BY MR. LAGOMARSINO:      13 Q. Who is talking right now at 4:14?      14 A. Officer Flores.      15 Q. Okay. When he said, "Lopera, got him in a      16 lock," that's who you're saying is Flores?      17 A. Yes.      18 Q. All right. So let's go back again to like      19 4:09.      20 (Playing video.)      21 BY MR. LAGOMARSINO:      22 Q. I'll represent coming up somebody is going      23 to say -- it doesn't appear to be Flores, but it      24 could be -- "he was out when we got here." Okay? So      25 I want to see if you recognize that voice.</p>	<p style="text-align: center;">Page 128</p> <p>1 to somebody, and she says, "Turn your camera off." I      2 want to ask you if you recognize the voices at the      3 end of the video. So you can kind of go to the last      4 30 seconds.      5 (Playing video.)      6 BY MR. LAGOMARSINO:      7 Q. Who is that officer in the screen?      8 A. This officer in the screen?      9 Q. To the right, yeah.      10 A. That's Officer Stutzman.      11 Q. And do you know who is speaking when she      12 said "turn your camera off"?</p> <p>13 A. I heard her say "we were inside," so if I      14 had to guess it would be Officer Lift.      15 (Playing video.)      16 MR. LAGOMARSINO: All right. So that was      17 15? Was that 15?      18 MS. VALDIVIA: That was 14.      19 MR. LAGOMARSINO: 14? Okay.      20 MR. MCNUTT: So we're marking this as 15 or      21 we're marking this as 16?      22 MR. LAGOMARSINO: 16. We're skipping 15.      23 15 is quite long. We can put it in if you would like      24 me to do that.      25 (Exhibit 16 was marked for</p>
<p style="text-align: center;">Page 127</p> <p>1 (Playing video.)      2 BY MR. LAGOMARSINO:      3 Q. Did you hear somebody say he was already      4 out?      5 A. I didn't, no.      6 Q. Okay. Let's play it again.      7 (Playing video.)      8 THE WITNESS: I heard something in the      9 background. I don't know what was said.      10 (Playing video.)      11 BY MR. LAGOMARSINO:      12 Q. So he says "He was out, he was already      13 out." Who said that?      14 A. I don't know.      15 Q. Okay.      16 (Playing video.)      17 MR. LAGOMARSINO: So that was Exhibit 13.      18 (Exhibit 13 was marked for      19 identification.)      20 BY MR. LAGOMARSINO:      21 Q. Going to Exhibit 14, 468(20), two minutes.      22 (Exhibit 14 was marked for      23 identification.)      24 BY MR. LAGOMARSINO:      25 Q. There's a female at the end who is talking</p>	<p style="text-align: center;">Page 129</p> <p>1 identification.)      2 MR. LAGOMARSINO: So press play.      3 (Playing video.)      4 MR. LAGOMARSINO: Okay. At this point      5 pause it.      6 BY MR. LAGOMARSINO:      7 Q. This is the part where you're trying to get      8 Tashi to sit up, correct?      9 A. You would have to keep playing. I don't      10 know what we're doing here.      11 MR. LAGOMARSINO: All right.      12 So press play from the beginning.      13 (Playing video.)      14 BY MR. LAGOMARSINO:      15 Q. Do you see at, it looks like 10 seconds,      16 Tashi's feet are crossed and placed behind him?      17 A. Yes.      18 Q. Do you know why that is?      19 A. It's a tactic that we're taught to control      20 the subject from fighting or moving.      21 Q. Okay. All right.      22 (Playing video.)      23 BY MR. LAGOMARSINO:      24 Q. Is that you right there?      25 A. Yes.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

34 (Pages 130 to 133)

<p style="text-align: center;">Page 130</p> <p>1           MR. LAGOMARSINO: Pause.      2 BY MR. LAGOMARSINO:      3       Q. At 39 seconds that's you checking vitals,      4 correct?      5       A. Yes.      6           (Playing video.)      7 BY MR. LAGOMARSINO:      8       Q. Do you believe this to be Flores' camera?      9       A. Yes.      10          (Playing video.)      11 BY MR. LAGOMARSINO:      12       Q. Is that where you called for medical?      13       A. No. We called for medical in the      14 beginning.      15       Q. Okay.      16           (Playing video.)      17       MR. LAGOMARSINO: Just for the record,      18 that was what video number? That was 468(27)? Okay.      19       All right. Let's take a quick break, and I      20 think we'll have about 20 minutes left.      21       THE VIDEOGRAPHER: We're going off the      22 record at approximately 2:51 p.m.      23       (A recess was taken from 2:51 p.m.      24           to 2:56 p.m.)      25       THE VIDEOGRAPHER: We're back on the record</p>	<p style="text-align: center;">Page 132</p> <p>1           evidence that would have led you to believe that      2 Officer Lopera was using unreasonable force?      3       A. No.      4       Q. When you arrived, what was your initial      5 focus?      6       A. I wanted to make the scene safe. I placed      7 Mr. Farmer in handcuffs. And just make the scene      8 safe and go from there.      9       Q. When you arrived, could you tell how much      10 pressure, if any, Lopera was using on Mr. Farmer's      11 neck?      12       A. No.      13       Q. Could you tell what level the LVNR he was      14 in?      15       A. No.      16       Q. Is there any way you could have been able      17 to tell that?      18       A. No.      19       Q. Okay. Would you ever check the pressure      20 being used by physically touching Lopera and Farmer      21 before Farmer was in handcuffs?      22       A. No.      23       Q. When you arrived, how long from the      24 moment you parked until you were engaged in the      25 struggle?</p>
<p style="text-align: center;">Page 131</p> <p>1       at approximately 2:56 p.m.      2       MR. LAGOMARSINO: I have no further      3 questions.</p> <p style="text-align: center;">EXAMINATION</p> <p>4 BY MR. ANDERSON:      5       Q. Officer Tran, when you arrived on the      6 scene, what information did you have as to what had      7 occurred between --      8       THE VIDEOGRAPHER: I'm sorry, Mr. Anderson,      9 could you please place your microphone on for me?      10       MR. ANDERSON: I apologize. We'll start      11 over. Could you Take 2?      12       THE VIDEOGRAPHER: Please.      13       MR. ANDERSON: That was a test.      14       MR. MCNUTT: That was a test. You failed.      15       MR. ANDERSON: I apologize.      16 BY MR. ANDERSON:      17       Q. When you arrived, Officer Tran, what      18 information did you have as to what had occurred      19 prior to your arrival between Lopera and Farmer?      20       A. Other than the Code Red, which means      21 officers in emergency, and a call sign saying he was      22 at Venetian, there was no other details.      23       Q. When you arrived, did you have any facts or</p>	<p style="text-align: center;">Page 133</p> <p>1       A. Ten seconds.      2       Q. And you're aware of the duty to intervene?      3       A. Yes.      4       Q. In your opinion, how can an officer      5 intervene?      6       A. When it's safe to do so, when an officer      7 observes unreasonable force, they can intervene by      8 verbal commands or physical intervention.      9       Q. Now, we went through your deposition that      10 you gave in the prior lawsuit where you were referred      11 to page 70 – 77 of your deposition, which is      12 Exhibit 1.      13       And are you there?      14       A. Yes.      15       Q. The question was asked of you in the other      16 lawsuit: "From the time that you got there until the      17 time that Officer Lopera released the hold, did      18 Flores do anything whatsoever to intervene?"      19       And your answer was, "No. We were trying      20 to take him into custody."      21       Did I read that correctly?      22       A. Yes.      23       Q. Did you believe that you and Officer      24 Flores, based on the facts you knew, had a duty to be      25 intervening at that time?</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

35 (Pages 134 to 137)

<p style="text-align: center;">Page 134</p> <p>1        A. No.      2        Q. Again, did you have any facts that led you      3        to believe that Officer Lopera was using unreasonable      4        force?      5        A. No.      6        Q. Do you believe that by attempting to      7        handcuff Farmer, that would be a form of      8        intervention?      9        A. Yes.      10      Q. And then as soon as the handcuffing was      11      complete, that's when you noticed that Farmer was      12      unconscious?      13      A. Correct.      14      Q. And what did you do when you noticed      15      that?      16      A. I told Officer Lopera, "Loosen up, loosen      17      up, he's out."      18      Q. There's been some testimony today about      19      when you called medical; is that correct?      20      A. Correct.      21      Q. Have you listened to the radio dispatch in      22      this case?      23      A. Yes.      24      Q. Okay. On that dispatch, did you recognize      25      your voice?</p>	<p style="text-align: center;">Page 136</p> <p>1        Q. Well, no, but you could have said what      2        level LVNR are you in. It takes about a second,      3        right?      4        A. Correct. But there was a supervisor on      5        scene, and we were there to assist in taking the      6        subject into custody.      7        Q. Okay. And there was a question that      8        Mr. Anderson asked you about when you called medical,      9        and I was looking at something when you said it. So      10      was it right when you arrived on scene you said call      11      medical?      12      A. No. It was after we placed him into      13      handcuffs. I got on the radio and said clear the      14      red, the Code Red, that was asked. He's in custody.      15      Code 4. Roll medical.      16      Q. What's Code 4 mean?      17      A. It means where everyone is okay.      18      Q. And why did you feel it was necessary to      19      call medical at that time?      20      A. Because after we placed him in handcuffs,      21      and I looked down and I saw Mr. Farmer was      22      unconscious, and the encircling arm on Mr. Farmer, it      23      was -- it's policy that we roll medical for use of      24      LVNR.      25      Q. You knew he needed medical, right?</p>
<p style="text-align: center;">Page 135</p> <p>1        A. Yes.      2        Q. When did you request medical?      3        A. As soon as Mr. Farmer was placed in      4        handcuffs, I said: "Venetian 1, we're Code 4. Clear      5        the red, roll medical."      6        Q. And did that occur before you turned on      7        your body cam?      8        A. Yes.      9        MR. ANDERSON: That is all I have.      10      MR. LAGOMARSINO: Dan, let me just follow      11      up on a couple of them, if that's okay?      12      13      FURTHER EXAMINATION      14      BY MR. LAGOMARSINO:      15      Q. The question was asked is there any way you      16      could have found out what level of LVNR Lopera had      17      him in. Do you remember that question just a second      18      ago?      19      A. Yes.      20      Q. You could have asked him what level he was      21      in, correct?      22      A. I could have, but that's -- this struggle,      23      the dynamic scene, I wouldn't -- it wouldn't have      24      been reasonable for me to pause to ask him what the      25      subject has done prior to my arrival.</p>	<p style="text-align: center;">Page 137</p> <p>1        MR. ANDERSON: Objection.      2        MR. MCNUTT: Objection. Form.      3        THE WITNESS: I didn't know if he needed      4        medical, but I wanted medical to come in case he did      5        need medical.      6        MR. LAGOMARSINO: Okay. I have no further      7        questions.      8      9        EXAMINATION      10      BY MR. MCNUTT:      11      Q. Officer Tran, my name is Dan McNutt. I      12      represent Mr. Lopera.      13      Is being under the influence of a      14      controlled substance a crime in the state of Nevada?      15      A. Yes.      16      Q. Is trespassing a crime in the state of      17      Nevada?      18      A. Yes.      19      Q. Is resisting arrest a crime in the state of      20      Nevada?      21      A. Yes.      22      Q. Is carjacking a crime in the state of      23      Nevada?      24      A. Yes.      25      Q. Are you aware whether or not Mr. Farmer was</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

36 (Pages 138 to 141)

<p style="text-align: center;">Page 138</p> <p>1 under the influence of a controlled substance on the      2 night of this incident?</p> <p>3 A. Prior to my arrival, no.</p> <p>4 Q. But are you aware now?</p> <p>5 A. Yes.</p> <p>6 Q. Are you aware that Mr. Farmer could have      7 been charged with a crime for being under the      8 influence of a controlled substance?</p> <p>9 MR. LAGOMARSINO: Calls for speculation.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. MCNUTT:</p> <p>12 Q. What's your answer?</p> <p>13 A. Yes.</p> <p>14 Q. You testified that Tashi Farmer's left arm      15 was behind his back -- this is when you arrived.      16 Tashi Farmer's left arm was behind his back, but not      17 being held by Officer Lopera; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. Is it possible that Tashi Farmer was      20 grabbing for a weapon or something else on Officer      21 Lopera's belt?</p> <p>22 MR. LAGOMARSINO: Calls for speculation.</p> <p>23 THE WITNESS: It could be possible, yes.</p> <p>24 BY MR. MCNUTT:</p> <p>25 Q. In fact, we looked at a photograph offered</p>	<p style="text-align: center;">Page 140</p> <p>1 Are those different levels that you are      2 taught or trained to identify with a suspect?</p> <p>3 A. Yes.</p> <p>4 Q. Can you tell me what the several levels      5 are?</p> <p>6 A. An aggressive resistance is suspect's      7 actions show an intent to do harm, causing potential      8 injury. And an aggravated aggressive resistance, the      9 suspect is showing intent which could produce death      10 or substantial bodily harm.</p> <p>11 Q. And then what's below those two?</p> <p>12 A. It would be a low-level resistance; passive      13 or active resistance.</p> <p>14 Q. When you arrived, you had used the word      15 Officer Lopera's encircling arm. Do you recall      16 talking about that?</p> <p>17 A. Correct.</p> <p>18 Q. Was Officer Lopera's elbow in line with      19 Tashi Farmer's chin?</p> <p>20 A. Yes.</p> <p>21 Q. Was it -- if you looked at just his      22 encircling arm, is that the proper position for an      23 LVNR the way you're trained in the Academy?</p> <p>24 A. Yes.</p> <p>25 Q. Could you see his other hand or not?</p>
<p style="text-align: center;">Page 139</p> <p>1 by the plaintiff earlier in which you identified the      2 gear that was being carried on Officer Lopera's belt,      3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. Is it your recollection from that photo      6 that Officer Lopera's taser was on his left side?</p> <p>7 A. Yes.</p> <p>8 Q. Would you like to see the photo again to      9 refresh your recollection?</p> <p>10 A. I can look at it. Left side.</p> <p>11 Q. Yep, okay. So that's Plaintiff's Exhibit      12 or Deposition Exhibit 3, correct?</p> <p>13 A. Yes.</p> <p>14 Q. So if Officer Lopera was chest-to-back to      15 Tashi Farmer, and Tashi Farmer reached behind him,      16 then he would have access to Officer Lopera's taser?</p> <p>17 A. Correct.</p> <p>18 Q. You testified that you said words to the      19 effect of "loosen up" or "loosen up, Ken," something      20 like that, correct?</p> <p>21 A. Yes, "loosen up."</p> <p>22 Q. And did Officer Lopera comply with that?</p> <p>23 A. Yes. Immediately.</p> <p>24 Q. There was some discussion about aggressive      25 resistance and some other types of resistance.</p>	<p style="text-align: center;">Page 141</p> <p>1 A. No.</p> <p>2 Q. So you couldn't tell from your perspective      3 whether Officer Lopera's hands were clasped together      4 or not?</p> <p>5 A. No, I couldn't see.</p> <p>6 Q. Okay. Let's go back to a video. And tell      7 me if you've seen this still shot that I'm going to      8 show you.</p> <p>9 Do you recognize this is Officer Lopera's      10 body-worn cam?</p> <p>11 A. Yes.</p> <p>12 Q. This is the same one we watched earlier,      13 except I don't have it up on Counsel's screen.</p> <p>14 So do you recognize Tashi Farmer here in      15 the frame?</p> <p>16 A. Yes.</p> <p>17 Q. And do you recognize this to be Officer      18 Lopera's left hand with his coffee?</p> <p>19 A. Yes.</p> <p>20 Q. So I'm going to start -- we'll start      21 watching this, and I'll ask you a couple of      22 questions, just like we did with Mr. Lagomarsino.      23 (Playing video.)</p> <p>24 BY MR. MCNUTT:</p> <p>25 Q. Can you see this area behind the roped off</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

37 (Pages 142 to 145)

<p style="text-align: center;">Page 142</p> <p>1      or chained off section?      2      A. Yes.      3      Q. What do you recognize that to be?      4      A. A roped off area that the public is not      5      allowed to pass.      6      Q. Okay.      7      A. Or permitted to go to.      8      (Playing video.)      9      BY MR. MCNUTT:      10     Q. Okay. So we're at 17 seconds and Tashi      11     Farmer is fleeing into the back of the house of the      12     casino, correct?      13     A. Correct.      14     Q. Should a Metro officer pursue a suspect      15     that flees into a restricted area?      16     A. Yes.      17     MR. LAGOMARSINO: Objection. Form.      18     BY MR. MCNUTT:      19     Q. Would you, based on what you just saw,      20     would you have pursued Tashi Farmer?      21     A. Yes. A reasonable person wouldn't enter      22     the back of the house of a property.      23     Q. And wouldn't that, in fact, be a crime in      24     the state of Nevada?      25     A. Yes. At least a trespass.</p>	<p style="text-align: center;">Page 144</p> <p>1      BY MR. MCNUTT:      2      Q. So you heard him, Officer Lopera, say to      3      Tashi Farmer, "Don't move," correct?      4      A. Yes.      5      Q. And at 1:43 in the video, what is      6      Tashi Farmer doing?      7      A. He's sitting up. Looks like he's trying to      8      move away, get up or walk away.      9      Q. Does that indicate to you that he's      10     complying with Officer Lopera's commands?      11     A. No.      12     Q. Is it normal for someone after they've been      13     tased to not comply with the officer's commands?      14     A. I wouldn't say normal, but there are some      15     that don't comply.      16     Q. Is it possible that when someone is on      17     illegal methamphetamine that they don't      18     comply with --      19     A. Yes.      20     Q. -- the verbal commands of an officer?      21     MR. LAGOMARSINO: Form.      22     BY MR. MCNUTT:      23     Q. Is it also possible that when somebody is      24     under the influence of a controlled substance, that      25     the effects of a taser don't have the same effect as</p>
<p style="text-align: center;">Page 143</p> <p>1      (Playing video.)      2      BY MR. MCNUTT:      3      Q. So we're at the 30-second mark, and now we      4      have sound, correct?      5      A. Correct.      6      Q. Do you know where Officer Lift was at any      7      part during this pursuit?      8      A. No.      9      Q. Have you ever talked to her since      10     then?      11     A. Not regarding this, no.      12     (Playing video.)      13     BY MR. MCNUTT:      14     Q. So did you hear Officer Lopera say stop,      15     don't move?      16     A. Yes.      17     Q. Did Mr. Farmer comply?      18     A. No.      19     (Playing video.)      20     BY MR. MCNUTT:      21     Q. Is it policy to advise a suspect that they      22     may get tased if they don't comply?      23     A. We're advised to give verbal commands,      24     correct.      25     (Playing video.)</p>	<p style="text-align: center;">Page 145</p> <p>1      if you shot your attorney here with it today?      2      A. Yes.      3      (Playing video.)      4      BY MR. MCNUTT:      5      Q. So he said to get on his stomach, and Tashi      6      Farmer is saying, "I will," but is he, in fact,      7      getting on his stomach?      8      MR. LAGOMARSINO: Counsel, are you saying,      9      like, is he getting on his stomach while you have the      10     video paused? Or while it's running? Because it      11     seemed like you're pausing it, and then asking him if      12     he's doing something.      13     MR. MCNUTT: Is that really a question?      14     MR. LAGOMARSINO: I'm making an objection.      15     MR. MCNUTT: Well, why don't you come over      16     here and watch.      17     MR. LAGOMARSINO: Okay. Well, I don't hear      18     the sound, so I'm assuming it's paused.      19     BY MR. MCNUTT:      20     Q. Do you understand the question?      21     A. I'm sorry, can you repeat the question?      22     Q. Sure. Let's just back up a little bit.      23     (Playing video.)      24     BY MR. MCNUTT:      25     Q. So he says, "Get on your stomach" at 1:52.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

38 (Pages 146 to 149)

<p style="text-align: center;">Page 146</p> <p>1        So in the four seconds, 1:52 to 1:56, did      2 he get on his stomach?      3        A. No. It looked like he was reaching into      4 his shoe.      5              (Playing video.)      6 BY MR. MCNUTT:      7        Q. You hear that, "Okay, okay, sir"?      8        A. Yes.      9        Q. Do you know who that was?      10      A. I believe it was Farmer.      11              (Playing video.)      12 BY MR. MCNUTT:      13      Q. Do you know who Officer Lopera is asking      14 for assistance from?      15      A. I believe it's Venetian security guards.      16      Q. So we're at 2:19 on Officer Lopera's      17 body-worn cam. How would you describe Tashi Farmer's      18 resistance level?      19      A. He's still in an active resistance.      20      Q. So he's not complying. What is the      21 definition, that he's not complying?      22      A. He's not complying to lawful orders, and      23 he's taking actions to not comply as in getting up      24 and fighting; it looked like he was trying to pull      25 the taser prongs off his back.</p>	<p style="text-align: center;">Page 148</p> <p>1        MR. LAGOMARSINO: Leading.      2 BY MR. MCNUTT:      3        Q. I'll back it up to 2:30.      4              I want you to tell me whether or not you      5 can tell whether Mr. Lopera ever takes a swing at –      6 excuse me, Mr. Farmer takes a swing at Officer      7 Lopera.      8              (Playing video.)      9 BY MR. MCNUTT:      10      Q. Anywhere in there?      11      A. Can you play it again?      12      Q. I'm sorry, you want it replayed?      13      A. Yes.      14      Q. So we're back at 2:30.      15              (Playing video.)      16 BY MR. MCNUTT:      17      Q. Is that a punch?      18      A. It looked like something hit his – hit him      19 in the shoulder in the camera.      20      Q. Can you hear it?      21      A. I heard the thump, yeah.      22      Q. What could that thump be?      23      MR. LAGOMARSINO: Form. Speculation.      24 THE WITNESS: Mr. Farmer striking Lopera.      25              (Playing video.)</p>
<p style="text-align: center;">Page 147</p> <p>1        Q. Okay. If at any point you see his      2 resistance level change up or down, let me know. If      3 you see him comply, let me know, okay?      4        A. Okay.      5              (Playing video.)      6 BY MR. MCNUTT:      7        Q. Is there any active aggressive resistive      8 there?      9        A. Not that I can see.      10              (Playing video.)      11 BY MR. MCNUTT:      12      Q. Is Mr. Farmer complying at any point up to      13 2:53 in the tape?      14      A. No.      15      Q. How can you tell?      16      A. Because they're trying -- they're trying to      17 put his hands behind his back, and he's pulling his      18 arms away from them.      19      Q. Not to mention that the video is pretty      20 shaky?      21      A. Correct.      22      Q. Showing that there's some --      23      A. Struggle.      24      Q. There's struggle at this point, correct?      25      A. Correct.</p>	<p style="text-align: center;">Page 149</p> <p>1        BY MR. MCNUTT:      2        Q. Is there any other explanation for that      3 thud that hits his body cam?      4      MR. LAGOMARSINO: Form. Foundation.      5      THE WITNESS: No.      6 BY MR. MCNUTT:      7        Q. Would that be -- what level of resistance      8 would that be at that point?      9        A. Aggressive.      10      MR. MCNUTT: I don't have any further      11 questions.      12      MR. LAGOMARSINO: Just some follow-ups.      13      14              FURTHER EXAMINATION      15 BY MR. LAGOMARSINO:      16        Q. So you were asked about a photo where there      17 was a taser on Lopera's belt. Do you remember those      18 questions?      19        A. Yes.      20        Q. And whether it was possible that Tashi      21 could have somehow reached out when he was in a choke      22 hold and gotten a taser.      23        Tasers have safeties, correct?      24        A. Yes.      25        Q. Were you aware of the fact that Lopera was</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

39 (Pages 150 to 153)

Page 150	Page 152
<p>1      a competitive jutsu fighter?</p> <p>2      MR. MCNUTT: Objection. Form.</p> <p>3      THE WITNESS: At the night prior to that</p> <p>4      incident, no.</p> <p>5      BY MR. LAGOMARSINO:</p> <p>6      Q. When did you learn that he fought</p> <p>7      competitively as a jutsu fighter?</p> <p>8      MR. MCNUTT: Objection. Form. Foundation.</p> <p>9      THE WITNESS: A couple of months later.</p> <p>10     BY MR. LAGOMARSINO:</p> <p>11     Q. How did you learn that?</p> <p>12     A. At the station through coworkers.</p> <p>13     Q. You were asked a series of questions</p> <p>14     about – in the beginning of the video about Tashi</p> <p>15     running through what's been referred to as the back</p> <p>16     of the house, and then some questions about</p> <p>17     trespassing.</p> <p>18     Did you see any signs that said "back of</p> <p>19     the house" in that video?</p> <p>20     A. No.</p> <p>21     Q. Did you see any "no trespassing" signs?</p> <p>22     A. I mean, based on the video, no. But there</p> <p>23     could have been "employees only" signs off to the</p> <p>24     side.</p> <p>25     Q. There could have been, there could not have</p>	<p>1      Q. What does ED mean?</p> <p>2      A. Excited delirium.</p> <p>3      Q. And did you see signs of excited delirium</p> <p>4      in the videos that you watched?</p> <p>5      A. I mean, he's acting pretty erratic.</p> <p>6      Q. And how does excited delirium factor into a</p> <p>7      use of force analysis?</p> <p>8      A. I know in the Academy, they said excited</p> <p>9      delirium, the ECD would be the best option to control</p> <p>10     a person with ED.</p> <p>11     Q. When you saw -- strike that.</p> <p>12     When you took the pulse of Tashi and noted</p> <p>13     that he was unresponsive, did you believe that he had</p> <p>14     serious medical needs at that point?</p> <p>15     A. At the time, I couldn't find a pulse. I</p> <p>16     didn't know if I was doing it wrong, if my adrenaline</p> <p>17     was too high. I don't – I can't say that Mr. Farmer</p> <p>18     needed serious medical need at the moment. I didn't</p> <p>19     even know if I did the pulse wrong.</p> <p>20     But when I asked Officer Crevettes</p> <p>21     (phonetic) if he found a pulse, he said he did, so...</p> <p>22     Q. Okay. So let's break it down. So Tashi's</p> <p>23     unconscious, not moving, and you can't find a pulse,</p> <p>24     and you're saying that he did not need serious</p> <p>25     medical attention?</p>
<p>1      been, right?</p> <p>2      A. But there was a chain-link, and then there</p> <p>3      was the doors itself that leads – doesn't say it</p> <p>4      leads to any business that I know of.</p> <p>5      To me, a reasonable person wouldn't go to</p> <p>6      the back house, go down a bunch of stairs and run out</p> <p>7      to the loading docks.</p> <p>8      Q. Right. The little chain thing with the</p> <p>9      cone, that could have just as easily been something</p> <p>10     that was roped off for a wet floor, correct?</p> <p>11     A. Correct.</p> <p>12     Q. And then you were asked about whether there</p> <p>13     was restricted access. I mean, I didn't see any</p> <p>14     signs that said "restricted access," did you?</p> <p>15     A. Not on the video, no.</p> <p>16     Q. You're crisis intervention certified,</p> <p>17     correct?</p> <p>18     A. Correct.</p> <p>19     Q. Did you hear in any of the videos</p> <p>20     Officer Lopera admit that he believed he saw the</p> <p>21     early signs of ED on Lopera?</p> <p>22     A. On Lopera's body camera video did I hear</p> <p>23     him say ED?</p> <p>24     Q. Yeah.</p> <p>25     A. I did not.</p>	<p>1      MR. ANDERSON: Objection. Form.</p> <p>2      THE WITNESS: I asked for medical.</p> <p>3      BY MR. LAGOMARSINO:</p> <p>4      Q. Did you ask for medical because you</p> <p>5      believed he needed – because he had serious medical</p> <p>6      attention?</p> <p>7      A. I asked for medical because Mr. Farmer was</p> <p>8      placed in LVNR, and if we place somebody in LVNR,</p> <p>9      we're supposed to ask for medical.</p> <p>10     Q. Would you have called medical if you didn't</p> <p>11     think he needed medical?</p> <p>12     A. If he was placed in LVNR, I would have</p> <p>13     called medical.</p> <p>14     Q. Looking now at the body cam footage and</p> <p>15     knowing what you know now, did Tashi have serious</p> <p>16     medical needs?</p> <p>17     MR. ANDERSON: Objection. Form.</p> <p>18     THE WITNESS: In hindsight, yes. Because</p> <p>19     Mr. Farmer is deceased now. Yes, he had medical</p> <p>20     needs.</p> <p>21     BY MR. LAGOMARSINO:</p> <p>22     Q. And then when you tested his pulse and saw</p> <p>23     that he was unconscious, you laid him back down and</p> <p>24     walked away, right?</p> <p>25     MR. ANDERSON: Objection. Form.</p>

Officer Michael Tran ~ December 18, 2018  
 \* \* \* Videotaped Deposition \* \* \*

40 (Pages 154 to 157)

Page 154				Page 156										
				1	2	3	4							
				CERTIFICATE OF DEPONENT										
		PAGE	LINE	CHANGE		REASON								
1	THE WITNESS:	Yes.												
2	MR. LAGOMARSINO:	No further questions.												
3														
4	FURTHER EXAMINATION													
5	BY MR. MCNUTT:													
6	Q.	Do people that exhibit excited delirium, do												
7		those symptoms often seem similar to people that are												
8		under the influence of a controlled substance?												
9	A.	Yes.												
10	MR. MCNUTT:	No further questions.												
11	MR. ANDERSON:	I'll just follow up real												
12	quick.													
13														
14	FURTHER EXAMINATION													
15	BY MR. ANDERSON:													
16	Q.	On the medical issues, as a trained												
17	officer, if you believe someone may possibly require													
18	medical attention, what are you trained to do?													
19	A.	Call for medical.												
20	Q.	And are there officers that have more												
21	medical skills than others?													
22	A.	Possibly, yes.												
23	Q.	Okay. So your training and policy is that												
24	if you believe someone may or may not need medical is													
25	that you call medical?													
Page 155				Page 157										
1	A.	Correct.												
2	MR. ANDERSON:	Thank you. Nothing further.												
3	MR. LAGOMARSINO:	Nothing further.												
4	THE VIDEOGRAPHER:	This concludes the												
5	videotaped deposition of Officer Michael Tran taken													
6	on December 18th, 2018. The original media of													
7	today's testimony will remain in the custody of LVLV.													
8	We're going off the record at approximately													
9	3:22 p.m.													
10														
11	(The videotaped deposition was													
12	concluded at 3:22 p.m.)													
13														
14	-----													
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1	CERTIFICATE OF REPORTER													
2	I, the undersigned, a Certified Shorthand													
3	Reporter of the State of Nevada, do hereby certify:													
4	That the foregoing proceedings were taken													
5	before me at the time and place herein set forth;													
6	that any witnesses in the foregoing proceedings,													
7	prior to testifying, were duly sworn; that a record													
8	of the proceedings was made by me using machine													
9	shorthand which was thereafter transcribed under my													
10	direction; that the foregoing transcript is a true													
11	record of the testimony given to the best of my													
12	ability.													
13	Further, that before completion of the													
14	proceedings, review of the transcript [ X ] was													
15	[ ] was not requested pursuant to NRCP 30(e).													
16	I further certify I am neither financially													
17	interested in the action, nor a relative or employee													
18	of any attorney or party to this action.													
19	IN WITNESS WHEREOF, I have this date													
20	subscribed my name.													
21														
22	Dated: December 27, 2018													
23														
24														
25														
GALE SALERNO, RMR, CCR No. 542														